TRIAL

OF AN

ACTION

FOR

Thirty Seven Thousand Pounds,

BROUGHT BY

PAUL BENFIELD, Esq;

AGAINST

SAMUEL PETRIE, Esq;

UPON A

CHARGE OF BRIBERY.

Tried at SALISBURY, the 12th of MARCH 1782,

BEFORE

Sir RICHARD PERRYN, Knt.

One of the BARONS of His MAJESTY's Court of EXCHEQUER.

The Opening and Reply of Mr. Serjeant GROSSE; the Defence of Mr. BURKE; the Arguments of Mr. PITT, Mr. BATT, and Mr. WATSON; the CHARGE of Mr. Baron PERRYN; and the

Whole of the EVIDENCE at Large.

TAKEN IN SHORT-HAND

By W. WILLIAMSON, LYON'S-INN.

TO WHICH IS ADDED,

A LETTER from Mr. PETRIE,

To the Committee of the HOUSE of COMMONS, who tried and determined the Merits of his Petition, against the last Return for the Borough of

CRICKLADE.

LONDON:

PRINTED FOR J. STOCKDALE, OPPOSITE BURLINGTON-HOUSE, PICCADILLY. 1782.

41.
1.3.
77.

LENT ASSIZES,

Saliſbury, March 12, 1782,

BEFORE

Mr. BARON PERRYN.

PAUL BENFIELD, Eſq; Plaintiff,

SAMUEL PETRIE, Eſq; Defendant.

COUNSEL

For the Plaintiff	For the Defendant
Mr. Serjeant GROSSE, Mr. BATT, and Mr. WATSON.	Mr. BURKE, The Hon. Mr. PITT.

Solicitors for the Plaintiff,	Solicitor for the Defendant,
Meſſrs. WALLIS, and TROWARD.	Mr. MYERS.

MR. BATT opened the Cauſe by ſtating the Declaration, which conſiſted of Seventy-four Counts; the Plaintiff charging the Defendant with Seventy-four ſeparate Acts of Bribery; and for each Act demanding the Sum of Five Hundred Pounds, agreeable to the Statute, in all *Thirty-ſeven Thouſand Pounds.*

Mr. Serjeant GROSSE.

Gentlemen of the Jury,

I am of Counſel in this Cauſe for the Plaintiff Mr. *Benfield*. This is an Action brought by Mr. *Benfield*, to recover a Sum of Money againſt Mr. *Petrie*, which he has forfeited by his having been guilty of Bribery and Corruption, at the laſt Election for the Borough of *Cricklade*.—At that Election, Mr. *Petrie* was a Candidate, to repreſent that Borough in Parliament.—It is unneceſſary for me to ſtate to you, that this is an Action of Debt. I dare ſay you will run before me, in viewing what paſſed here laſt Aſſizes; it is no longer a Secret, that there was a great deal of Bribery and Corruption practiſed, at the *Cricklade* Election.—It has been proved, both here and in a Committee of the Houſe of Commons. Bribery was carried to ſuch an alarming Extent at that Election, that there is a Bill now depending in the Houſe of Commons, to prevent it in future.

Gentlemen, The only Queſtion for your Conſideration will be, whether the Defendant, Mr. *Petrie*, has been guilty of any of theſe Acts of Bribery ſtated in the Declaration or not. Mr. *Petrie* himſelf complained ſo much of Bribery, that he brought ſeveral Actions laſt Aſſizes, and recovered 7000*l.* of one, and 5000*l.* of another, and upwards of 40,000*l.* of others, who had rece[illegible] He is

not

not unknown to you, no more than the Plaintiff is.—The Way that Mr. *Petrie* is to be affected is this; Acts done by his Agents, Mr. *Gunn* and Mr. *Davis*.—You will find that these Gentlemen, Mr. *Gunn* and Mr. *Davis*, were notoriously the chief Managers at this Election for Mr. *Petrie*.—It will be proved, that they canvassed with him; were constantly with him during the Election; were continually in his Company; asked Votes for him, and conducted every Thing about the Election.—They were the Men, who promised a Reward to the Voters, in order to induce them to vote for Mr. *Petrie*.—These Promises were made in different Ways: Sometimes they told the Voters, they should have as much as at a former Election; at others they said, "You shall have *Twenty in and Ten out*;" and at other Times, chalking upon the Table, *Twenty in and Ten out*. Nothing can be clearer, than that these People were notoriously corrupted.—We shall prove, that Mr. *Petrie* himself said to the Voters, when they came and asked what they were to vote for,—"*Whatever my Friends*, "*Mr.* Davis *and Mr.* Gunn *say, I will abide by.*" In short, these Men, both as general Agents, and particular Friends of Mr. *Petrie*, corrupted the Voters mentioned in the Declaration.—When we have proved, that these Men were Agents for the Defendant, and that they corrupted these People, he certainly is answerable for what they did.—As to the Num-

ber of Penalties, which we ſhall be able to prove, I cannot at preſent ſtate; I ſhall prove ſome, and according to what we prove to your Satisfaction, you will find your Verdict for the Plaintiff.

Do you admit the Preliminaries, Mr. *Burke?*

Mr. *Burke.* In ſuch a Cauſe as this, I'll admit nothing; but out of Candour, I ſhall admit, if you pleaſe, that *Cricklade* is an ancient Borough.

WILLIAM SALMON *ſworn.* (*Examined by Mr. Serjeant* GROSSE.)

Q. Have you the Precept, that was iſſued by the Sheriff of the County, at the laſt general Election, for the Borough of *Cricklade?*

A. Yes. (*Precept produced.*)

Q. *By* Mr. Burke. Where did you get that Precept?

A. I was Under-Sheriff at that Time.

Q. Mr. *Burke.* Mr. Serjeant, don't you prove the Delivery of the Precept?

Q. *By Mr. Serjeant Groſſe.* To whom did you deliver this Precept?

A. I deliver'd it to *Robert Long.*

RICHARD TOWNSEND *ſworn.* (*Examined by Mr.* BATT.)

Q. When did you receive this Precept?

A. It was brought to me.

Q. You

Q. You was returning Officer, for the Borough of *Cricklade*, at the laſt Election?

A. I was.

Q. Of whom did you receive the Precept?

A. I received it of one Mr. *Long*, who came with Mr. *Petrie*.

Q. What Day was it?

A. I don't recollect the Day of the Month.

Mr. *Burke*. I ſubmit to your Lordſhip, that this is not proved by any Means.—Here is a Gap that is not filled up.—*Salmon* proves that there was a Precept iſſued.—*Townſend* proves that he received a Precept, but he cannot prove, nor is it attempted to be proved, that it was the ſame Precept directed by the Sheriff.—The Sheriff having mentioned to whom he delivered it, the Proof cannot be complete, without the Intervention of Mr. *Long*, who received it, and delivered it to the returning Officer.—I ſubmit to your Lordſhip, that this is no Evidence to prove the Fact. It is ſo clear and obvious, that any Man muſt ſee the great Defect.—I ſhall take up but little of your Time, as it will be argued by a Gentleman of far greater Abilities than I poſſeſs, and in hearing whom, you will have more Pleaſure.—If Mr. Serjeant *Groſſe* will ſay, that this is complete Evidence, that there is no Defect in not producing this Witneſs, the only one that can prove the Fact, when he was amenable to the com-

compulſary Penalties of a Subpœna, when in three or four Cauſes they have had the very Man, whom they have not now thought proper to call; I ſay, if Mr. Serjeant *Groſſe*, as a Gentleman and Counſel, will upon his Honour ſay, the Evidence is ſufficient without him, I ſhall give up the Point. But I am confident he is perfectly ſatisfied it is at preſent defective, and that the Defect cannot be ſupplied by any other Means, than by the Teſtimony of Mr. *Long*. They have produced an Inſtrument, which muſt be proved before it can be received in Evidence. This Paper which they have introduced, (for I will not give it a better Name) is ſaid to have been received by Mr. *Long* from the *Sheriff*, and delivered by him to the *returning Officer*. Why is not Mr. *Long* call'd? He is a Man that is well known, living in *London*. They might have ſubpœnaed him, if they had thought proper. As they have not ſubpœnaed him, here is a complete Want of material Evidence, which they had it in their Power to have ſupplied. My Lord, this is not a Kind of Action, where ſlight Evidence will be admitted. The Jury will require the moſt clear and ſatisfactory Evidence. When they go for the Extreme of Law againſt the Defendant, the Extreme of Law, reſpecting Evidence, ſhould be ſtrictly adhered to. Under theſe Circumſtances, having had a full Knowledge who was the proper Witneſs, and where he was to be found; having had it in their

Power

Power to have brought that Witneſs, and neglecting to do it, your Lordſhip will not permit them, to ſupply that Evidence by Conjecture.

Mr. *Pitt*. I would only ſubmit to your Lordſhip, that as this Action is brought on Purpoſe to ruin the Defendant, the beſt Evidence the Nature of the Subject will admit of, is abſolutely requiſite. That Sort of Evidence has not been given in this Cauſe. The Perſon who received it from the Sheriff's Office, ſhould prove that it was the Precept he received from the Office, and that it is the ſame he delivered to the returning Officer. As Mr. *Burke* ſaid, there is a Gap ſtill left. The Identity of this Paper is by no Means proved, and it cannot be proved by any other Perſon, than the Perſon who actually carried it to *Cricklade*.

Court. Suppoſe *Long* had died after the Delivery of this Precept, could it not have been proved without his Teſtimony? The Sheriff tells me, it is the ſame he delivered to one *Robert Long*; the returning Officer ſays, that it is the ſame he received of Mr. *Long*. I ſhall certainly let the Jury conſider, whether it was the ſame or not.

RICHARD TOWNSEND.

Q. You have told us that you was Bailiff at the laſt Election for the Borough of *Cricklade*; Who were the Candidates?

A *Paul*

A. *Paul Benfield*, Eſq; *John M'Pherſon*, Eſq; and Mr. *Petrie*, were the Candidates.

Q. How long have you known Mr. *Petrie?*

A. I knew him ſeven Years ago.

Q. What Character did he appear in at *Cricklade* ſeven Years ago?

A. As a Candidate.

Q. Laſt Election did you ſee him at *Gunn*'s Houſe?

A. Yes.

Q. Who did you ſee with him?

A. A great many People were brought in to him, by Mr. *Gunn* and Mr. *Davis*.

Q. What did *Gunn* and *Davis* ſay, when they introduced the Voters?

A. They ſaid, theſe were Men that were not at Home when you was on your Canvaſs.

Q. What did Mr. *Petrie* ſay?

A. He referred them to *my* Friends, *Davis* and *Gunn*.

Q. Did *Davis* or *Gunn* ſay any Thing?

A. They went out of the Room with Mr. *Gunn* and Mr. *Davis*.

Q. What induced the Voters to go into another Room with *Gunn* and *Davis?*

A. I cannot tell what they ſaid to them. Mr. *Petrie* ſaid, "*Go with my Friends, Mr. Gunn and Mr. Davis.*"

Q. Did they go with them?

A. Yes, ſeveral of the Voters. They went up Stairs, or into another Room.

Q. Did

Q. Did you hear either *Davis* or *Gann* ſay any Thing to the Voters?

A. No; not at that Time.

Q. Nor at any other Time?

A. No.

Q. Have you ſeen *Davis* at any other Time?

A. Yes.—I keep a Grocer's and Haberdaſher's Shop.—He came to my Shop to buy ſome Ribbons.—I ſaid, *Mr.* Davis, *I'll cut any Thing for you, but I would not truſt Mr.* Petrie *any Thing.*—I deſired him to get ſome of other people.—Mr. *Davis* ſaid, he would take Care of himſelf; he had got every Thing that was proper to pay every body.

Croſs-examined by Mr. BURKE.

Q. You ſay you knew *him* before this Election?

A. Yes.

Q. So this Mr. *Petrie*, you thought him ſuch a Perſon, as was not fit to ſerve you in Parliament?

A. I did not think him a fit Perſon.

Q. What was your Motive for voting for him?

A. He was ſo far back.

Q. You thought him an improper Perſon to repreſent you in Parliament, and yet you gave him your Vote?

A. I thought he would not ſucceed.—I gave him my Vote.

Q. It was like pouring Water into a dead Man's Mouth.—Was it not to inſult him?

A. I don't know.

Q. You was well acquainted with him once, I believe?

A. I have drank a Glaſs of Wine with him.

Q. Had other People the ſame bad Opinion of him that you had?

A. He was not a fit Man to repreſent us.

Q. You thought him an indigent Man?

A. I would not truſt him with a Half-penny.

Q. Is that the Opinion of the Bulk of the People at *Cricklade*?

A. I believe it is.

Q. Did Mr. *Petrie* know, that they had this Opinion of him?

A. I cannot ſay.

Q. Was it underſtood, that there was a better Market to go to?

A. No better Market.—*Mr.* Benfield *was a Country Gentleman.*

Q. Where is his Country-Houſe?—Is it in that Neighbourhood?

A. He came from *Cheltenham* in *Glouceſter-ſhire.*

Q. Do you know of any Eſtate, that he had in *Aſia*?

A. I don't know that Country.

Q. Did you ever hear of *Bengal*?

A. I have heard of ſuch a Place.—I read the News-papers ſometimes.

Q. Did you ever hear of ſuch a Thing as a *Nabob*?

A. Yes; there are many *Nabobs.*

Q. You

Q. You ſay *Mr.* Benfield *was a Country Gentleman?*

A. *He was.—He was born a Gentleman.*

Q. What makes you think he was born a Gentleman?—Have you any Servants in your Houſe?

A. No.

Q. Do you know any labouring Man, ſuch as a Hedger or Ditcher, in your Neighbourhood?

A. Yes.

Q. Would you call him a Gentleman?

A. No.

Q. Why do you give no other Reaſon, for *his* being a Gentleman, but becauſe he was born in your Neighbourhood?—If he had been born in a Stable, would you have called him a Horſe?

A. No, nor an Aſs neither.—Mr. *Benfield* has got a good Eſtate at *Cricklade*.

Q. How long has he had that Eſtate at *Cricklade?*

A. I cannot ſay to a Day.

Q. How long has he had it?—I will have your Anſwer.

A. It may be a Year, or a Year and a Half.

Q. Has he had it two Years?

A. No; he has not had it two Years.

Q. Do you know of any Eſtate, that he has in any other Place?

A. I don't know.

Q. You told me, that *he* was brought in, becauſe *he* was a Country Gentleman; and

that Mr. *Petrie* was rejected, becauſe he was not thought rich. Now, I aſk you upon your Oath, Had Mr. *Benfield* any other Intereſt in that Borough, but from his Money?

A. Yes; he had a Relation in the Borough.

Q. Who is that Relation?—Is it *Crook Godby?*

A. There was another, Mr. *Packer*, who is dead ſince the Election.—He was a very good Man.—He was firſt Couſin to Mr. *Benfield.*

NEVIL SIMMONDS *ſworn.* (*Examined by Mr. Serjeant* GROSSE.)

Q. Where do you live?

A. At *Cricklade.*

Q. Are you a Voter at *Cricklade?*

A. Yes; I voted at the laſt Election.

Q. Do you remember, at any Time before the laſt Election, any Body coming to you, aſking for your Vote for Mr. *Petrie?*

A. Yes, ſeveral Times.

Q. Who aſked you for your Vote?

A. Sir *Robert Fletcher.*

Q. Was you aſked for your Vote by *Thomas Davis?*

A. Yes.

Q. What paſſed?

A. *Davis* ſent for me to *William Simmonds*'s, the *New-Inn.*

Q. When

Q. When was it?

A. The Night before the Election.—I aſk'd him why he ſent for me.—He aſked me if I had promiſed my Vote; I ſaid *no*.—He ſaid, *You would as well give Mr.* Petrie *your Vote*.—I aſked for what Reaſon I ſhould promiſe him, as I had not promiſed any Body elſe.—*I wanted to know what for*; he took Chalk and wrote *Twenty* and *Ten*.—People look'd at it, but could not underſtand what he meant.—*John Habgood* took the Chalk and wrote *in* under the *Twenty*, and *out* under the *Ten*; Mr. *Davis* ſaid, "That's Right, I'll "ſtand to that."

Q. What did he ſay more?

A. We drank a Glaſs and parted.

Q. What was meant by the *Twenty in and Ten out?*

A. Twenty Guineas, if he was choſen; and Ten, if he was not choſe.—I took it ſo.

Q. Did other People take it in the ſame Light?

A. I imagine they did.—I never put the Queſtion to them.

Q. Did you ſee Mr. *Petrie* afterwards?

A. Yes.—When we went out at the Door, going away, *Davis* aſk'd us to go up to Mr. *Petrie*.

Q. Who were with you, at the Time *Davis* deſired you to go to Mr. *Petrie?*

A. *Thomas Price*, *James Akerman*, *John Habgood* and me.

Q. Did

Q. Did you go with him to Mr. *Petrie*?

A. Yes; we went up to the Swan.

Q. Who did you ſee when you went to the Swan?

A. Mr. *Petrie*—I ſupp'd and drank a Glaſs or two of Wine with him.

Q. Did he aſk you for your Vote?

A. Yes; he aſk'd me for my Vote and Intereſt.—I told him I did not know any Reaſon I had to promiſe him, when I had not done it to others: *I ſhould be glad to know what for*; Mr. *Petrie* ſaid, "I leave that to "my Friends, Mr. *Davis* and Mr. *Gunn*."

Q. According to your Account, he referred you to *Davis* and *Gunn* to ſettle with you?

A. Yes.

Q. Was there any Thing more ſaid?

A. Mr. *Petrie* parted out of the Room, and Mr. *Davis*, ſaid he would ſtand to what he had done before, and would do no otherwiſe.

JAMES AKERMAN* *ſworn.* (*Examined by* Mr. WATSON.)

Q. About the Time of the laſt Election at *Cricklade*, was you preſent with *Thomas Davis*, *Nevill Simmonds*, and *John Habgood*?

A. Yes.

* James Akerman, *and others, came to Mr.* Petrie *the Night before the Election, to aſk him to give them Ten Guineas down, with a Promiſe of Ten more, which, they ſaid, would ſecure his Election.—Mr.* Petrie, *refuſing to give, or promiſe, any Thing, they voted againſt him the next Day.*

A. Yes.—Mr. *Davis* gave me an Invitation, to go to the *New-Inn*. When I went, there was *Thomas Price*, *John Habgood*, and *Nevil Simmonds*.

Q. What did *Davis* ſay?

A. Mr. *Davis* ſaid, as Mr. *Neſbitt* had declined ſtanding for the Borough, we might as well vote for Mr. *Petrie*; *Nevil Simmonds* ſaid he would wiſh to know for what.—*Davis* took Chalk and wrote upon the Table: Mr. *Simmonds* ſaid, *I do not underſtand what you are writing*.

Q. What Anſwer did *Davis* make?

A. He ſaid, that his Word was as well to be taken, as any Man's in the Town.—He wrote *Twenty* and *Ten*.

Q. What did he mean by the *Twenty* and *Ten*?

A. At the Bottom of the Stairs, as we were going away, Mr. *Davis* whiſpered to me, *You are to be truſted; it was Twenty Guineas if choſen, and Ten if not*.—This is the Way I knew what he meant.

Q. Did you go to Mr. *Petrie*?

A. Yes; I went and ſupp'd with Mr. *Petrie*.—He aſked us for our Votes; *Simmonds* ſaid he wiſh'd to know what for.—Mr. *Petrie* ſaid, *I cannot talk to you of Money Matters; has not my Friend* Davis *told you? I leave it to him*.—I told him, that the Rumour of the Town was, that he was an unfit Perſon, and had no Chance of ſucceeding.—Mr. *Petrie* ſaid, *Why ſhould you heſitate at that Matter?*

My

My Friends, Mr. Davis *and Mr.* Gunn, *will ſatisfy you.*—After that I went away.

Croſs-examined by Mr. PITT.

Q. You ſay, you told Mr. *Petrie*, that he could have no Chance of ſucceeding?

A. Yes.—I never thought he would ſucceed.

Q. You acted as a Friend upon this Occaſion?

A. He would not let me alone, always ſending for me.—I told him, there was not one Half of the People, whoſe Names he had got down, would Vote for him.—It was rather *clandeſtine* for him, to think of repreſenting our Borough.

Q. *By Mr. Burke.* When you told him, that he had no Chance of ſucceeding, on account of the Clamour in the Town, What did he ſay?

A. He ſaid, " Why do you heſitate that " Matter? Friends *Davis* and *Gunn* will ſa- " tisfy you."

Q. Was it immediately upon your telling him, of the Rumour about the Town?

A. Yes.

Court to the Counſel. Did *Simmonds* and *Akerman* vote for Mr. *Petrie?*

A. No, my Lord, both voted for Mr. *Benfield alone.**

JOHN

* James Akerman *was one of the firſt Perſons who came to Mr.* Petrie *the Night he went into* Cricklade. *He was with*

JOHN SIMMONDS, *ſworn.* (*Examined by Mr. Serjeant* GROSSE.)

Q. Where do you live?

A. At *Cricklade.*

Q. Are you one of the Voters at *Cricklade*?

A. Yes.

Q. Was there any Application made by any Body, for you to Vote for Mr. *Petrie?*

A. Yes; by *Thomas Davis.*

Q. When was it?

A. The Friday before the Election; he came to *Robert Clark, Benjamin Stratford* and me.

Q. Are you all Voters?

A. Yes.

Q. What did he ſay?

A. He aſk'd for our Votes and Intereſt, for his Friend Mr. *Petrie.*

Q. What were the Words he made Uſe of?

with him every Day, almoſt the whole of every Day, before the Election, adviſing Mr. Petrie *what to do; and to Appearance was ſpending the whole of his Time and Attention, in ſupporting and ſtrengthening his Intereſt. He brought up to Mr.* Petrie, *the Night before the Election,* Nevil Simmonds, *and others; and then, for the firſt Time, talked to Mr.* Petrie *about giving Money, aſking him for Ten Guineas down, with a Promiſe of Ten more when the Election was over; which Mr.* Petrie *refuſing to give, he voted againſt him the next Day, and did him all the Miſchief in his Power. In this Evidence, he ſwears to a Whiſper from* Davis, *which he never mentioned in any of his former Examinations.*

A. He aſked for our Votes and Intereſt, for his Friend Mr. *Petrie*.—We denied him. He aſk'd us to go to Mr. *Gunn*'s Houſe.—When we were going up the Market-place, between that and Mr. *Gunn*'s Houſe, he promiſed us Twenty Guineas, if Mr. *Petrie* was elected, and Ten, if he was not.—We went up to Mr. *Gunn*'s Houſe along with Mr. *Davis*; all three of us went into the Parlour to Mr. *Petrie*; he aſked us for our Votes and Intereſt; one of the three (I think it was *Robert Clark*) ſaid we had no Objection.—Mr. *Petrie* called for a Bottle of Wine.---Every one of us drank a Glaſs of Wine.---Then *Thomas Davis* took us out into another Room, and Mr. *Petrie* ſaid, what *Thomas Davis* did he would be anſwerable.---Mr. *Davis* ſaid, he would give us *Twenty in and Ten out?*

Q. Did you go with *Davis* into another Room?

A. Yes; we went into the other Room, and drank Beer and Ale till our Bellies were full, then we went away.

Croſs examined by Mr. BURKE.

Q. Was Mr. *Petrie* preſent, when *Thomas Davis* promiſed you *Twenty Guineas in and Ten out?*

A. No, he was not*.

BEN-

* John Simmonds *was a Witneſs, upon the Trial of Mr.* Benfield's *former Action againſt Mr.* Petrie, *at the Summer Aſſizes.*

BENJAMIN STRATFORD *ſworn.*
(*Examined by Mr.* BATT.)

Q. Had you any Converſation with Mr. *Davis*, before the laſt Election?

A. Yes; the *Friday* Evening after the Writ was cried.—Mr. *Davis* aſked *us* if *we* had ſpoke with Mr. *Petrie*; *we* ſaid *we* had not.---With that he ſaid, it was all Right; *we* ſhould have *Twenty Guineas in and Ten out*. With that *we* went on, till we came to Mr. *Gunn*'s Door; then *we* were for going away. He perſuaded *us* to go into Mr. *Petrie*'s Preſence.—When *we* went in, Mr. *Petrie* aſked *us* for *our* Votes and Intereſt.---There was one that ſaid, *we* had no Objection.---He ordered a Bottle of Wine; *we* had a Glaſs of Wine apiece; then *we* went out.---Before *we* went out of the Room, he ſaid, *What* Davis *promiſed, I will be anſwerable for.*

Q. Were theſe the Words he made Uſe of?

A. To the beſt of my Knowledge, theſe were the Words.

Croſs examined by Mr. BURKE.

Q. Have you not had an Action brought againſt you?

A. Yes.

Aſſizes. He then ſwore, that what he then ſaid was all he knew; and he ſaid not a Word about Mr. Petrie's *promiſing to be anſwerable, for what* Thomas Davis *did.*

Q. You are acquainted with Mr. *Gunn* and his Wife?

A. Yes.---I never received a Bribe, nor was promiſed any, but by Mr. *Petrie*'s Friend.

ROBERT CLARK *ſworn.* (*Examined by Mr.* WATSON.)

Q. Did you ſee Mr. *Davis*, any Time before the laſt Election?

A. Yes.---On the *Friday* before the Election, I was going up the Street, Mr. *Davis* ſaid, Robert, *you was not at Home, when Mr.* Petrie *was canvaſſing, go and ſpeak to him now.---If he is* in, *you ſhall have Twenty Guineas, and if he is* out, *you ſhall have Ten.*

Q. Where was Mr. *Petrie* at this Time?

A. At the Swan.

Q. Was you introduced to Mr. *Petrie?*

A. Yes.---When Mr. *Davis* took us in, he ſaid, *Theſe are three Men, who were not at Home, when you was on your Canvaſs.*---Mr. *Petrie* then aſked us, for our Votes and Intereſt.

Q. Was there any Body with Mr. *Petrie?*

A. There was a young Man, who came with him.

Q. Did Mr. *Petrie* ſay any thing more?

A. Yes.---Mr. *Petrie* ſaid, *Whatever my Friend* Davis *ſaid, I'll be anſwerable to.*

Croſs

Croſs examined by Mr. BURKE.

Q. Do you know *Thomas Skilling* of your Town?

A. Yes.

Q. Do you know *Edward Wilkes*?

A. Yes. *They are here now.*

Q. *By* Mr. *Pitt.* You have been convicted I believe?

A. Yes.—Every Man in the Court may be convicted in the ſame Manner.---If Mr. *Petrie* and Mr. *Myers* ſay any thing, Mr. *Gunn* will ſwear to it; he will ſwear whatever they pleaſe.—I don't know if I am convicted.—I was here laſt *Midſummer*, but was not called upon*.

THOMAS STRATFORD *ſworn.*
(*Examined by Mr.* WATSON.)

Q. Before the laſt Election at *Cricklade*, had you any Converſation with Mr. *Davis*?

A. Yes, the *Friday* before the Election.

Q. Where did you ſee him?

A. At Mr. *Gunn*'s Houſe.---I was going down to my Brother's.—He aſked me to come into the Houſe, and very much entreated me to vote for Mr. *Petrie*.---I told him, I could not promiſe then, I would give him an An-

* Thomas Skilling *and* Edward Wilkes *were two Witneſſes upon the former Actions, againſt whom Indictments, for wilful and corrupt Perjury, are now depending, for the Evidence they then gave.*

ſwer in the Afternoon.—He promiſed me, if I would vote for Mr. *Petrie*, he would give me Twenty Guineas *in* and Ten *out*.

Q. Did you go in the Afternoon?

A. Yes.---In the Afternoon *we* went into the Parlour to Mr. *Petrie*.—I told Mr. *Petrie* to his Face, that I thought he was a little too late.—He aſked us to drink a Glaſs of Wine.—I ſaid, it was rather above our Coat to drink Wine.—*We* had a Glaſs of Wine.—Mr. *Petrie* ſaid at laſt, *Vote for me, I will behave as handſome to you as before, as good, if not better*.

Q. How handſome was his Behaviour before?

A. I cannot tell that.

Croſs examined by Mr. PITT.

Q. You cannot tell in what Reſpect, his Behaviour was handſome before?

A. No; I had nothing.

Q. Don't you find your Memory grows better in this Buſineſs? Laſt time you was here, you did not remember any Thing about the Ten Guineas out and Twenty in.

A. I did.

THOMAS TOWNSEND *ſworn*.

(*Examined by Mr. Serjeant* GROSSE.)

Q. Was you applied to for your Vote at the laſt Election?

A. Yes.

Q. By whom?

A. By

A. By Mr. *Petrie*.

Q. What paſs'd on the Occaſion?

A. Mr. *Petrie* told *us*, if *we* would vote for him, he would behave the ſame as before.

Q. Do you know *Thomas Stratford*?

A. Yes.—*Thomas Stratford* and *I* and *Thomas Strange* were together.---*Thomas Davis* came out of Mr. *Gunn*'s Houſe, and aſked us to go in to Mr. *Petrie*—we went in—Mr. *Petrie* aſked us to vote for him.—We told him that we ſhould vote all one Way.—He ſaid, if we voted for him, he ſhould behave as before.

EDMUND CARTER *ſworn*. (*Examined by* Mr. WATSON.)

Q. On the Morning of the Election did you ſee Mr. *Gunn*?

A. Yes. In the Morning, the Day of the Election.—I was going up the Street, Mr. *Gunn* aſked me to vote for Mr. *Petrie*—I ſaid I would not; he ſaid, I would better vote for him; I ſhould have Twenty Guineas *in*, and Ten *out*, but I told him I ſhould not, and came away.

Q. Where did this Converſation paſs?

A. In the little Room in Mr. *Gunn*'s Houſe.

Croſs examined by Mr. PITT.

Q. It is a diſagreeable Queſtion I have to aſk you.—You have been convicted, have you not?

A. I believe ſo.—Mr. *Gunn* ſwore againſt me, whoſe Word is not to be taken—mine is the Truth.

JOHN HERRING *ſworn.*

Q. A few Days before the Election, I believe, you ſaw Mr. *Gunn*, and had ſome Converſation with him?

A. Yes, the Saturday before the Election. The Carpenters went round to the Candidates, to ſee what they would give, for building the Huſtings; I was one of them.—I went into Mr. *Gunn*'s Houſe.—Mr. *Gunn* ſtopped me in the Kitchen; he took me aſide, and aſked me to vote for Mr. *Petrie*—I told him I ſhould not, I had already promiſed, and ſhould not be worſe than my Word;—he preſſed upon me very much; he ſaid, *I'll make it worth your while; you ſhall have Twenty Guineas if choſen, and Ten if he is not.*

Croſs examined by Mr. PITT.

Q. When you ſay, you was entreated by *Gunn*, you don't mean to ſay, you was introduced to Mr. *Petrie*, or that he aſk'd you, or knew any thing of this?

A. No;

A. No; Mr. *Petrie* was not there.—I know nothing more.

Mr. *Serjeant Groſſe*. *My Lord*, we have done.

DEFENCE.

Mr. BURKE.

I beg your *Lordſhip* will be ſo obliging as to hear me one Word, before I addreſs myſelf to the *Jury*.—I am ſorry, I ſhould have incurred your *Lordſhip's* Diſpleaſure, at the Outſet of this Buſineſs, leaſt my Client ſhould ſuffer from my imprudent Zeal.

Court.—Not in the leaſt Mr. *Burke*.—I have the greateſt Reſpect and Eſteem for you, All that I meant was, that after what had paſſed, after I had given my Opinion, I would not have *it* to be argued again.

Mr. *Burke*. By your *Lordſhip's* kind Indulgence, you have relieved me from an additional Uneaſineſs, I muſt neceſſarily have laboured under.

From what Accident, it has fallen to my Share, to take the Lead in this important Cauſe, *Gentlemen of the Jury*, I need not Trouble you with relating.—I feel, both my own Inability and my want of Experience, for ſuch an Undertaking.---Theſe, though they

are grievous to me, I truſt, from your good Underſtanding, will not be ſo to my Client.

I am Counſel, *Gentlemen*, for the *Defendant*, Mr. *Petrie*, who, at the Outſet of the Buſineſs, could not have laid before you a ſtronger Proof of his own Innocence, or of the high Opinion he has of your Integrity, aſſiſted by a learned and upright Judge, than by making me his Counſel.---If he had been conſcious of having a Caſe, that wanted Abilities to ſupport it, he could have been at no Loſs;—he might have found round this Table, Men of great Abilities, of great profeſſional Knowledge, and of extenſive Practice; but knowing, that his Caſe wanted no Colouring, that it wanted no Abilities to ſupport it, he has ſuited his Advocate to his Caſe; has choſen a plain Man, to tell a plain and ſimple Story;—from me, it ſhall come before you exactly as it is, and you will give that Attention to it, which you may think it deſerves.

Gentlemen,---The learned Serjeant, who conducts this Cauſe on the Part of the *Plaintiff*, has opened to you a Caſe of conſiderable Magnitude, in a very few Minutes.---Though I am ſenſible of the Weakneſs of his Caſe, yet I feel the Weight of his Abilities.—He knows perfectly well, that he will have an Opportunity of addreſſing you again;—he knows too, what is of more Conſequence to my Client, that no Reply will be permitted on the Part of the *Defendant*, and therefore he

he reſerves his Argument, till ſuch Time as we have no Opportunity of anſwering it.

He has opened a Caſe, containing a Demand of no leſs a Sum than 37,000 *l.* in fewer Words, than any Lawyer in *Weſtminſter-Hall* ever open'd a Caſe of Forty Shillings Value.—I am ſure I am more afraid of his Obſervations, than of his Evidence.—Theſe Obſervations will not impreſs your Minds, if they are not founded in Truth.—You will throw aſide the falſe Colouring, and determine upon the Truth and Juſtice of the Caſe.—What I ſtate to you, will be plain and ſimple Facts.—Notwithſtanding the great Diſadvantages I labour under, yet I have a Reſource of Comfort, I have Learning and Integrity on the Bench. From thence you will receive, what I truſt, will be a corrective of the Subtilities, that will be thrown out by the learned Serjeant.

Gentlemen, Before I proceed to the Examination of the Evidence that has been given, I ſhall beg Leave to Trouble you, with ſome few Obſervations.---Sure am I, that any one, who wiſhes *Truth to take place, and Juſtice to be done to the Parties*, will not be diſpleaſed, to be acquainted, with the real Nature of the Cauſe.

The learned Gentleman, who opened the Caſe, told you very properly, that it was a criminal Action.—It is no more an Action of Debt, than it is an Action for Horſe-ſtealing.—*Gentlemen*, you are to try Mr. *Petrie*, who

is accuſed, of having been guilty of a Crime of the firſt Magnitude,—of a Crime, which the learned Serjeant will deſcant upon with his uſual Energy; and however black he may repreſent it, his Deſcription ſhall have my moſt hearty Concurrence.

I thank my God, the Cauſe of no Man, whatever Reſpect I may have for him, if he is guilty of ſuch an Offence, ſhall prevent me from mentioning my Abhorrence of the Crime.—It is a Crime in itſelf of the worſt Kind, of the moſt atrocious Nature,—in its Conſequences horrible. Many of theſe Conſequences, as *Engliſhmen*, you will feel a natural Reſentment againſt—as honeſt Men and as Chriſtians, you will conſider them Offences of the moſt heinous Nature. Perjury, this dreadful Conſequence, you have ſeen and heard to Day.—Perjury is not only the Offſpring of Bribery, but it produces it in the Inſtant.—The Moment that a Man receives a Bribe, he ſtipulates to ſell his Soul.—You know he cannot vote,—he cannot deliver that wretched Commodity, till he ſwears, that he has not been bribed.—It too often happens, that thoſe who are guilty of bad Actions, will ſupport them by Perjury.

Gentlemen, My learned Friend was pleaſed to tell you, that it was no new Thing, that every one of you muſt have heard of that Bribery and Corruption, which had prevailed at *Cricklade*, and of the Actions, which had been brought by the preſent *Defendant*.—It has been too much

much heard of.—The learned Serjeant, who defended thoſe Actions with his uſual Ability, could not ſave his Clients.—He knows what the Extent of that Corruption at *Cricklade* was.—I thank him for giving you the Clue, that you may ſee from what Source thoſe bitter Waters flow, to be a Potion for Mr. *Petrie*.---I believe, *Gentlemen*, you are eaſily to be ſatisfied, that this is a criminal Proſecution.---If Mr. *Petrie* had been proſecuted for this Offence, under the former Acts of Parliament, and convicted, he would have been fined and impriſoned, and that Fine would have gone to the King.--The Legiſlature finding that Puniſhment, not ſufficient to deter People from the Commiſſion of theſe Offences, by the Act of the 2d of George the IId, gives a Penalty of 500 *l.* for every Offence, to the Perſon who ſhall ſue for it. This is doing no more than increaſing the Fine, and giving it to another Perſon,—from the King, it is transferred to the Uſe and Benefit of Mr. *Benfield*.---By the Form of his Declaration, he goes ſo far, as to make a Demand of 37,000*l.*---There is no Sum, however large, can ſatisfy an ambitious Mind.---A Man muſt be very rich indeed, who, if convicted of a very few of thoſe Penalties, is able to diſcharge them;—ſo that it is not only a real criminal Proſecution in its Nature, but in all its Effects. By the Common Law, a Man cannot be fined more than he has Property to pay.---There is no

Inſtance

Inſtance of a Fine, of any ſuch Magnitude, being levied upon any Perſon, as a few of theſe Penalties will amount to; and his *Lordſhip* will tell you, that no Judge can fine a Man to ſuch an Extent, as will impriſon him for Life;--that more cannot be impoſed upon him, than the Extent of his Property.

I now humbly beg your Attention, to what I have to offer on the Behalf of Mr. *Petrie*: I aſſure you, that while I appear an Advocate for any Man, who is charged with this or any other Crime, in defending him, I ſhall never attempt to impoſe upon a Jury; if I were to miſlead them, I ſhould conſider myſelf, but a few Steps, from thoſe perjured Wretches, who have given Evidence in this Cauſe.—*Gentlemen*, it is the firſt Time, that ever I had the Honour of addreſſing a Jury; may it be the laſt, if I attempt to impoſe upon you.--Whatever I ſay, either as Matter of Law or of Reaſon, it ſhall be that, which I am fully perſuaded is true.---As to Law, that I ſhall leave to the learned Judge; if I am wrong, he will correct me.---As to any Thing I may ſuggeſt by Way of Reaſoning, it is for your own good Underſtandings, to determine its Truth or Falſhood.

Gentlemen, I believe you are ſatisfied from what I have ſtated, and I truſt I ſhall be confirmed by his *Lordſhip*, that this is a criminal Proſecution, under the Form of recovering a Debt.--If it is a criminal Charge, it

will

will be your Duty, in weighing the Evidence, to do it with the greateſt Caution and Nicety, I ſay, it will be your Duty, as I am ſure it will be your Inclination, to apply all thoſe Rules of Evidence, that will enable you to ſift it to the Bottom, juſt as you would in the other Court, on the Trial of a Man for Murder, or for any other Crime that ſhocks our Nature.---You are, in this Cauſe, to conſider the Magnitude of the Offence; and not as in the Horſe Cauſe, that was tried this Morning, to weigh the Evidence on both Sides, and ſee which of them is moſt probable.---Would you do ſo, in the other Court, when trying a Man for his Life?---No; you would require, that there ſhould be no Compariſon between the Evidence for the Proſecution, and the Evidence for the Priſoner.---You would have one Scale to take the Earth, and the other Scale, to kick the Beam, before you pronounced the Priſoner guilty.---There is nothing that becomes the Bench more, than the Heart, ſpeaking the tender Feelings of Humanity, and inclining to Mercy. It has often been the Caſe of the learned Judge upon the Bench, when trying Criminals.---Every one knows, that a Judge always directs a Jury, that if a ſingle Doubt remains in their Minds, of the Guilt of the Priſoner, they are to lean to the Side of Mercy, and to acquit him.

Gentlemen, Preſuming you go along with me, in theſe Obſervations, I venture to propheſy, that you conſider this Action, as a criminal

minal Action,—that you conſider Mr. *Petrie*, as now taking his Trial, for a very great Offence, to which there is annexed a very great Puniſhment,---and that you well know, that what is to go out of his Pocket, is to go into the Pocket of his Accuſer, *Paul Benfield*,—*A very great Man*.---No Doubt you have all heard of him.---I ſhall have Occaſion by and by, to ſay a few Words concerning his Riches.

Gentlemen, we are then trying Mr. *Petrie*. —Your next Conſideration will be, the Nature of the Evidence.—From your Appearance, you are Men of Experience, Men of Judgment, Men of Underſtanding.---I cannot be miſtaken, and I am perſuaded, that you will give that Attention to the Evidence, which the important Circumſtances of the Caſe, ſo particularly require.—There is a vulgar Error, by which, I am confident you will not be miſlead.

I have heard very ſenſible Men ſay, that a Jury were bound to find a Verdict, according to the ſtrict Letter of what was ſworn.—I appeal to his *Lordſhip*.—I aſſert that they are not ſo bound.—They are to find their Verdict, according to what they themſelves believe true, of what is ſworn.—They are not to find upon what they believe, that is not ſworn. They are bound to find according to Evidence, and no Evidence can bind them, but that which they believe. How are they to judge, by any other Rule, of the Truth of

what

what is ſworn? The firſt and moſt obvious Anſwer, to this general Belief of Evidence, is what is demonſtrated to you in every Day's Experience. If when you are walking about your Farms, a Man tells you a very improbable Story, if you know him to be a Man of Veracity, upon his Veracity you are diſpoſed to credit the Story, notwithſtanding the Improbability of it. On the contrary, when a Man, whom you know to be a Man of no Veracity, tells you a very probable Story, from the want of Veracity in the Man, you are not diſpoſed to give Credit to the Story, though very probable, and perhaps very true. I do not know, if I have made myſelf intelligible. If I have not, my *Lord* will explain it to you; his Explanation will ſink deeper in your Minds, than any Thing that I can ſay. Theſe ſhort Rules of Evidence, being applied to the preſent Caſe, particularly the laſt, when the Probability is againſt the Veracity, will aſſiſt you much, in the Determination of the Queſtion now before you. What Sort of Evidence that has been, which you have heard, I ſhall now examine.

I ſhall begin with *Townſend, the Returning Officer*, who gave Mr. *Petrie* the treacherous Vote; and, if it were not bordering upon Prophanity, to make the Compariſon, I would ſay, that he would have betrayed him, as *Judas* betrayed our Saviour, with a Kiſs. That Man —that treacherous Wretch—I have heard him

two or three Times before.—I truſt this will be the laſt Time I ſhall hear him;—from his Mouth you ſhall have Part of Mr. *Petrie*'s Hiſtory. You ſhall have it from a Man, that would ſtab him in the Dark. *Gentlemen*, Mr. *Petrie*'s original Connection with the Borough of *Cricklade*, was that natural Connection, which I wiſh all the Repreſentatives of Boroughs, who ſit in the Houſe of Commons, had with the particular Boroughs which they repreſent. It was a Connection grounded and eſtabliſhed, by his aſſerting and vindicating their Rights and Privileges, by reſtoring their invaded Franchiſes, and by ſeating a Man at his own Expence, whom they had freely choſen, againſt another Man, who had by Corruption procurred his Return. This happened about ſeven Years ago. Mr. *Peach* and Mr. *Dewar* were Candidates. By various corrupt Practices, Mr. *Peach* got a Majority of Votes, admitted by the Returning Officer, and was returned.—Mr. *Dewar* petitioned againſt him; but when the Day came, that the Petition was to be heard, when the *Houſe of Commons* were to aſſert the Law and vindicate their Rights, Mr. *Dewar* abandoned his Petition; he had no Counſel,---no Agents to appear for him. I will not ſay what his Motive was for ſuch Conduct; but he ſuffered ſomething like a Nonſuit. Thank God, there was not Judgment for the Defendant, as in Caſes of Nonſuit! Mr. *Petrie* ſtepped in and ſupported

ported another Petition, that lay on the Table from *the Voters*, and Mr. *Dewar* was, in Spite of himſelf, declared a Member of that Houſe. That was Mr. *Petrie*'s original Connection with this Borough, and from his ſpirited Conduct on that Occaſion, he certainly deſerved the Thanks of every Voter in the Borough. Mr. *Petrie*, from various Accidents, became not ſo rich as ſome of the *Cricklade Voters* wiſhed him to be. He had been on the *Continent*. He returned to *England*, and came to *Cricklade* three or four Days before the Election, with that Merit only, which I have ſtated. He had not been there one Day, nor half a Day, before he knew where the Land lay. He found the Town invaded by *a Nabob*, Mr. *Benfield*:--- He found alſo the Weight of great Dignity and Family Riches to combat with. I ſhall not dwell upon the Effects of that Wealth; it has been well expoſed, and I hope will be amply puniſhed: But it can be no Reproach to ſay, that there was another *Nabob*, and that Lord *Portcheſter* was his Agent, who employed another Agent, Mr. *Briſtow*. I am not inclined to ſay any Thing diſreſpectful of the noble Lord; when he has been ſufficiently puniſhed for his Crimes, they ought to be forgotten; but I mention the noble Lord, becauſe he ſupported another Nabob. The Manner in which Nabob Wealth is acquired, very much diſgraces human Nature.

When Mr. *Petrie* came to *Cricklade*, he found Mr. *Benfield*, and another *Nabob*, Mr. *M'Pherſon*, aided by my Lord *Portcheſter*, aſſiſted by the very active Management of his Agent Mr. *Briſtow*. Now, in common Senſe, how was he to conduct himſelf? I aſk you, as if we were talking over a Table. Unleſs you ſuppoſe that Mr. *Petrie* was mad, and they have not given Evidence, that he is either a Fool or a Madman, he could not have acted in the Manner repreſented. Neither Madneſs nor Folly, though united, could have produced ſuch a Conduct, as they would have you to believe his Conduct was. It muſt have been Folly run mad, or Lunacy in its Dotage, that would have attempted any ſuch Thing, as they charge him with. One Man, of whom the Voters had the Money in their Pockets:—The other, I am not at Liberty to ſay, they had it in their Pockets, but they had, what was next to this Security, a well-grounded Promiſe. I ſay, *Gentlemen*, that neither Folly nor Lunacy, nor both in Conjunction, could have acted ſo mad a Part, as they repreſent Mr. *Petrie* to have acted—to attempt to outdo all theſe powerful opulent Men, and that too, by the moſt ridiculous of all Means—*a Promiſe!* Every Man muſt know, that *a Promiſe* will not do at *Cricklade*. *Gentlemen*, this is the Situation of Mr. *Petrie*; the Witneſs told you, that every one in the Town conſidered him a poor Man. *Townſend* warned *Davis* not to truſt him. *Aker-*

man

man told him, that he had no Chance of ſucceeding; a Hue and Cry was gone againſt him, that he was not a fit Perſon for *Cricklade*. Mr. *Petrie* muſt have been the greateſt Idiot that ever exiſted, if the Story theſe Men have told was true. He knew well, that he had no Chance in point of Numbers; he took the only probable Way of Succeſs. He was well informed of the Corruption, which had overſpread the whole Town, and which was ſo general, that almoſt every Individual had been bribed. Mr. *Petrie* thought he might get into an honourable Situation, by bringing thoſe Men, who had ſo groſsly violated the Rights of Election, to Juſtice: His Plan was this, and no other. I go into your Boſoms; aſk yourſelves if any other Plan had been laid, if that Plan muſt not have been from the Sides of *Bethlehem*. But he reaſoned thus: *If I have a few honeſt Votes, knowing my own Innocence, if I have twenty Votes, or but one Vote, if I can prove Bribery againſt one or other of the Agents of theſe Men, and bring that Bribery home to the Principals, I make a Vacancy, and that Vacancy I have a good Chance of ſupplying; or, if I prove the Bribery ſo general, and can bring it home to ſuch a Number of Votes, ſo as to leave myſelf a Majority upon the Poll, of uncorrupted Votes, by the Juſtice of the Houſe I muſt be ſeated.* Nobody will deny, but that this was his Plan. Having laid down this Line of Conduct, to direct him in his future Operations, What does

does he do? As they tell you, and would have you to believe, he ſends about two Men, Mr. *Davis* and Mr. *Gunn*, to make a ridiculous Promiſe to the Voters---a Promiſe to cut up his only Hope---to take from his Feet the only Ground he had to ſtand on, by making this abſurd and ridiculous Promiſe---equally ridiculous, whether it was by Chalk or in any other Way. To promiſe a Man, who had Five Guineas in his Pocket, that he ſhould have Ten more, if he would renounce what he had, and vote for Mr. *Petrie*. Yet, however improbable, this is the Story they would have you believe.

Gentlemen, I will now paſs by the Conduct of Mr. *Petrie*, and, with your Leave, take a little View of the Character of the *Plaintiff*. It would be diſreſpectful in me, to take no Notice of ſo exalted a Character, as that of Mr. *Benfield*'s. I have ſpoken pretty freely of Mr. *Petrie*, let us now go to the other Side---let us indulge the *Ladies**, with a View of the Character of an *Aſiatic Nabob*. He is not ſo obnoxious to *Engliſh* Courtiers, as he is to *Jews* and *Indians*. I ſhall not offend *the Ladies*, by deſcribing the Manner, in which Nabobs become obnoxious to the poor Natives. Mr. *Benfield* is a *Gentleman*. I ſhall give him the beſt of Names. Mr.

* There were a great many Ladies in Court, during this Trial.

Townſend

Townſend ſays, he is a *Country Gentleman*. I ſhould not have thought any worſe of him, though he had told us, that he is the Son of a Carpenter. The Son of a Carpenter may become a Nobleman. This Country holds out every Advantage to riſing Merit; gives Opportunities to every Man, to get out of that Rank in Life, which the Lowneſs of their Birth and Fortune has placed them in. Many of the firſt Men in the Nation, have been raiſed by their Merit. God forbid, that I ſhould blaſt their honourable Characters. That Situation honourably acquired, in the Habit of doing Service to Mankind, has the greateſt Claim to Reſpect. From the Encouragement that is given, and by a proper Exertion of thoſe Faculties which Nature has beſtowed upon us, we all may climb up the Hill of Fame. If they had told us what Mr. *Benfield* really was,—the Son of a very induſtrious Tradeſman in the Country, who by his own Underſtanding, Skill, and Ingenuity had acquired a very great Fortune;—if they had told you this, you ſhould not have had a Word about him from me.

I wiſh my Client had been ſingular, in the Misfortunes that befel him. When that Wretch who betrayed him with a Favour, could not be prevented from deſcribing his Situation; I ſay, when that Wretch could not go from the Subject, without throwing every Contempt he poſſibly could upon Mr. *Petrie*'s Character, he repreſented Mr. *Ben-*

field

field as being *a Country Gentlemen.*—He knew nothing more of him, than his being a *Country Gentleman.* You all know what is implied, in the Name of a *Country Gentleman.* A Country Gentleman, is a Man living in the Neighbourhood, who from his numerous Benefits and Acts of Kindneſs to his Neighbours, gets himſelf the good Will and good Opinion of all around him. But *Gentlemen,* Mr. *Benfield* had no more to do with *Cricklade,* than you or I have, till upon this Election Scheme, he got a doubtful Title to an Eſtate, which is not determined to this Moment, and perhaps never will be. This was his only Introduction, and the only Thing, whereby he can be called a *Country Gentleman.* It is true he has made a very great Fortune. Many feel the Effects of it in their Conſciences; how he acquired that Fortune, I have nothing to do with; let him anſwer that, to God and his Conſcience.

But the whole Weſt of England were anxious to ſee him, and to partake of his Liberality; each Borough was deſirous of having him for their Repreſentative. As he could not divide his own Perſon amongſt them all, he fixed on the Borough of *Cricklade* to repreſent himſelf, and in the other Boroughs he has his Subſtitutes. Mr. *Macleod* is one, or rather was one of thoſe Subſtitutes, for by ſome Means or other, he is turned out of Parliament.

Mr. *Benfield* has nine of thoſe Subſtitutes in the Houſe at this Day. How it happens I know not, but true it is, go into any Company and mention the Name of *Benfield*, and the firſt Idea that preſents itſelf to the Mind, is *Bribery*. Wherever there is the Sound of *Benfield* in the Weſt of England, the Echo is Bribery. This does not proceed from any Simularity in the Name, and yet there may be a good deal of Reaſon, for connecting them together. They know, that Mr. *Benfield* went to the *Eaſt Indies*, where he acquired his Fortune;—by what Means we know not, nor is it the preſent Subject of our Enquiry. It is in Proof againſt many of thoſe, who have got Fortunes in that Country, that they got them by Cruelty and Oppreſſion. I will not ſay of him, that his Wealth was got by Cruelty and Oppreſſion; but it is well known, that whole Provinces have been plundered, Kingdoms ranſacked, and the Natives pillaged. Deeds have been there perpetrated, ſhocking to think on.—Large Fortunes have been there acquired, which have been applied to the worſt of Purpoſes. Mr. *Benfield* returned with a large Fortune, and to what Purpoſe did he apply it? To corrupt nine Boroughs, to corrupt the Morals of the Electors of thoſe Boroughs, to ſecure nine *Seats* in the Houſe of Commons. By Corruption, he drew the Votes of the Electors from thoſe, whoſe incorrupt Beneficence, various good Services, and Regard to their eſſential Inte-

reſts, had merited their Support. It was this that directed your Anceſtors in the Choice of Repreſentatives. He comes to this Country, and flies from Borough to Borough, making a Conqueſt of each Borough as he paſſes. He attacks *Cricklade*, pours into it ſome of the Riches of the Eaſt, which ſoon made it fall a Victim, being unable to reſiſt ſuch a powerful Influence.

Gentlemen, I ſhall ſay little more of Mr. *Benfield*, than what in common Senſe and Juſtice relates to this Cauſe. Mr. *Petrie* brought an Action againſt Mr. *Benfield*, for the Injury he had ſuſtained, through the Bribes diſtributed at *Cricklade*. How did Mr. *Benfield* get rid of this Action? Innocence would have bluſhed at the mean Subterfuge. Convinced of his Guilt, he wiſely ſet up as a Protection from Juſtice, his Privilege of Parliament; ſo much more was it in the Nobility of his Nature to corrupt, than to be puniſhed for that Corruption; ſo much more pleaſant is it to him to give a Bribe, and put the Law at Defiance, than by ſubmitting to its Cenſure, to atone for his Offence. He firſt ſheltered himſelf under his Privilege; he is now gone to the *Eaſt Indies*, and has not left Six-pence of Property behind him. Diſtringas upon Diſtringas has been iſſued out, to compel him to appear; the Sheriff has returned, that Mr. *Benfield* has no Effects in this Country, that is amenable to the Law. But tho' he has concealed his Property,

perty, that the Law cannot lay hold on it, yet he has left a Hoard behind, to go to Law with others.—Yea, to make you the Inſtruments, I was going to have ſaid the Curſe, of his Revenge againſt Mr. *Petrie*.—Says Mr. *Petrie*, you have been guilty of the groſſeſt Bribery;—to this Charge he gives no Anſwer;—withdraws his Property; but he leaves Money for the Purpoſe of teazing and tormenting any Body, who is the Object of his Revenge. This, *Gentlemen*, is pretty near the Hiſtory of the Parties.—It may be for want of Experience, that I have entertained you ſo long, on this Part of the Subject; if I have done wrong, you will forgive me.

We now come to the principal Queſtion in the Cauſe.—All that they have attempted to ſhow you againſt Mr. *Petrie* is, the Act of his Agent. I cannot deny with Juſtice, but there are many Acts done by Agents, for which the Party is reſponſible; but no Authority can prove, no Subtility or Ingenuity of Argument can ſuggeſt, where a Man can be criminally reſponſible for the Act of another, unleſs he was employed by him to do the Act itſelf; and in the doing of which, he was encouraged and ſupported by the Principal.—*Gentlemen*, I fear no Contradiction of this from the learned Serjeant.—I am perſuaded I ſhall be confirmed in it, by the learned *Judge*.—If Mr. *Petrie* has bribed thro' his Agent, I will give up the Cauſe; but

before you pronounce him guilty, you will enquire what the Agency is, for which he is to be reſponſible. It muſt be ſtrong Proof indeed, that will make you believe, that he employed two Men, to go about the Town and bribe theſe Voters, after what you have heard he had to contend with.—I am ſure you will carefully weigh what theſe Witneſſes have ſaid:—They have told you, that Mr. *Petrie* applied to them for a Vote; when they aſked what for, he ſaid, go to Mr. *Gunn* and Mr. *Davis*, and they will ſatisfy you.—I did not aſk them many Queſtions, neither did I interrupt them—they run on, *I'll ſatisfy you, &c.* without giving any ſatisfactory Explanation, of what *Gunn* and *Davis* were to ſatisfy them about: They talk of a Man's thinking; but they did not ſhow you, that Mr. *Petrie* offered them any Thing, or knew that any Thing had been mentioned to them by *Davis*.—However ready theſe Witneſſes were to ſwear, to injure Mr. *Petrie*, one of them told me, what that Satisfaction was.—Says *Akerman*, *I told Mr. Petrie that he had no Chance, for it was talked of all over the Town, that he was not a fit Perſon.* What was Mr. *Petrie's* Anſwer? *Go to Davis and Gunn, and they will ſatisfy you on that Head.*—What could that Satisfaction be, but in Anſwer to that, which is the immediate Subject of Converſation?—When I give an Anſwer to a Queſtion, can I mean any Thing elſe, than what related to the Point between us?

—What

—What *Akerman* told him, brought from him this Reply, *Go to Gunn and Davis, and they will ſatisfy you that the Report is falſe.*—I take it for granted, that you are now ſatisfied as to one of theſe Men, *James Akerman*, that the Satisfaction, that he was directed by Mr. *Petrie* to receive from *Gunn* and *Davis*, was about the Report he had mentioned;—this is all I claim at preſent.—I am ſure of it, that it could not, in the Nature of Things, allude to any Thing elſe.—It was the plaineſt and moſt reaſonable Enquiry—if the Report had been true, he could not ſit in Parliament.—But the Witneſs *Akerman* has done a little more, than what relates to himſelf, it was what he did not mean; he has given us that which goes to all the reſt.——I am very tender in croſs-examining *Cricklade* Witneſſes in a Bribery Cauſe; but ſays he, "*I told him it was known all over the Town, every Body knew of his Inability to ſit in Parliament.*" Now take that Caution of *Akerman*'s to Mr. *Petrie* along with you, and you will find it goes to all the future Proceedings. Whenever any of the Voters apply to him, and he tells them to apply to Mr. *Davis* or Mr. *Gunn*, *they will ſatisfy you*, it could be for no other Purpoſe, but to ſatisfy them in this Point.—If the Interpretation which they have put upon it, does not ſeize your Belief as it were by Storm, you muſt take it thus in favour of Innocence. When *Akerman* is where any ſuch Declaration is made, you will

will take the true Senſe which I have put upon it; you will incline to this natural and juſt Interpretation. The Proof brought before you, though of the ſmalleſt Kind, you will not be diſpoſed to credit, when ſuch a heavy Charge is brought againſt the *Defendant*.

But ſurely, *Gentlemen*, I ſhould wrong my Client, were I to ſit down here;—but ſuppoſe any of the *Gentlemen of the Jury* were to aſk it as a Favour, for that babbling Counſel to ſit down; is there a Man in the Court, who has a Doubt in his Mind, of the Innocence of the *Defendant?* I would ſtake my Life upon it, there is not a Man in the Jury Box, who, upon his Honour and Conſcience, is not aſſured of the Innocence of Mr. *Petrie*. The Juſtice of the Country requires, that if there is a ſingle Doubt laying on his Mind, he will not declare his Fellow-Subject convicted of a Crime of ſuch a Magnitude, to which there is ſuch a heavy Penalty annexed; I ſay, if you have the leaſt Doubt of the Evidence that has been given, you will favour the Accuſed. When every Thing a Man poſſeſſes is at Stake, his Character, his Fortune, and all his future Hopes of Fortune, nay the Hopes of his future Exiſtence, if there is a Doubt in your Minds, I am ſure you cannot ſend him to hopeleſs Ruin, and that to put Money in the Pocket of Mr. *Benfield*, who is gone into another Country, where he will ſoon repair his Fortune, ſo notoriouſly laid out in

Bribery

Bribery and Corruption. He will ſoon lay in a Stock at *Madraſs*, which perhaps will be employed, in the ſame iniquitous Practices; —he has left nothing in this Country, but that which he laid out to inſult the Juſtice and the Law of the Country. With ſuch a *Plaintiff* and ſuch a *Defendant* before you, you will be called upon by and by to determine their Fates; to determine whether the *Plaintiff's* Pocket ſhall be filled with Money, to act the ſame Scene over again, to the total Ruin of the *Defendant*. If I had the Practice of the Gentleman, who conducts the Cauſe on the other Side, what a Devil would I make of the *Plaintiff*; but if I have not thoſe Abilities, your good Underſtanding will ſupply the Defect, and conſider the real Caſe of this Action, that it is for no other Purpoſe, than *to get rid of that Gentleman, who has diſturbed me in my Parliamentary Purſuits.*

Having taken up ſo much of your Time already, and feeling as I do the Weakneſs of the *Plaintiff's* Caſe, I am not diſpoſed to ſay more of his Character. I could with the utmoſt Satisfaction and the fulleſt Confidence reſt the Queſtion here, but I muſt not leave it, without giving you the fulleſt Satisfaction of the *Defendant's* Innocence: Not that I have any Doubt upon their own Caſe, but that would acquit my Client, but I will give you all the Satisfaction, that the Nature of the Caſe can poſſibly admit of. I will bring you the only competent Witneſſes, who will

give

give you the fulleſt Satisfaction, if a Doubt ſhould remain in your Minds:—Not that I will ſet Story againſt Story, but it is much more deciſive. The Witneſſes I propoſe to call, are the two Men, the preciſe Men who, the Witneſſes on the other Side ſwore, were Mr. *Petrie*'s Agents. They will come before you, and declare upon their Oaths, they will tell you plainly and explicitly, *that they never had Authority from him, either directly or indirectly, to promiſe any Reward, or give any Thing to any one Voter in the Borough.*——*Gentlemen*, if two Men, who muſt know whether they had an Authority or not, and the only competent Witneſſes to prove whether it is true or falſe, two Men of unimpeached Characters, for ſo I will call them for the preſent, if they declare they were not his Agents for this particular Purpoſe, I contend that Mr. *Petrie* is not reſponſible for their Acts. I will call theſe two Men, *Thomas Davis* and *Thomas Mann Gunn* *.——*Gentlemen*, I pronounce theſe Men's Names with ſome Emphaſis. When I ſaid they were Men of unimpeached Characters, I ſhould not conceal any Thing of the Truth from you. Mr. *Gunn's* Character has been impeached, and if you will indulge me with a very ſhort

* *Thomas Mann Gunn* keeps the *White Swan*, at *Cricklade*, the Houſe in which *Briſtow*, the Agent of Lord *Portcheſter* ſat, when he diſtributed the Money among the Voters, taking from each Voter his promiſſary Note, payable to Lord *Portcheſter*.

Story,

Story, you will ſoon be convinced that his Character is irreproachable. I believe this is the 115th Action that has been tried. I do not go beyond Bounds, if I ſay, that Mr. *Gunn* has been examined in 110 of theſe Actions. Look round this Table, where there are Men of great Abilities, nay, ſome of the firſt Abilities in the Kingdom were brought into this Court, who teazed and tormented him upon his Croſs-Examination; and if thoſe Gentlemen were now preſent, I would have ſaid inſulted him. Yet all the Exertion of thoſe Abilities did not ſucceed; not one Slip he made. They have his Examination, at their own Expence, taken by their own Servant, they have it in Short-hand; yet they never catch him tripping in any one Inſtance. They never have told you, thro' all this Proſecution of any one Act of this Mr. *Gunn*, whereby he ought to be diſcredited: And yet, what was great Impudence, they were not content with getting Men to ſwear againſt him, but they brought down Mr. *Dunning* to croſs-examine him, who ſaid, that more Truth came out on that Man's Teſtimony, than all the Witneſſes put together. It did not ſtop here, they brought Mr. *Bearcroft* into the Committee-Room of the Houſe of Commons to croſs-examine him. Mr. *Bearcroft* could not help ſaying, *this Man is uniform and conſiſtent*. I ſat juſt by him, and heard this Declaration. This is one of the Evidences I propoſe; but I'll not

conceal from you what is againſt him. You will make light of it, when I tell you, that he is indicted for Perjury, notwithſtanding the Character which has been given him, on account of the Conſiſtency of his Teſtimony; I do not wiſh to conceal any Thing that is againſt him. I have ſome particular Reaſons, why I beg to beſeech your Attention, to what I have to ſay on this Subject. The Indictment is for one ſingle Line of Evidence. He ſwore in an Action brought againſt *Olive Mills*, "*That he ſaw him receive the Five Guineas of Mr. Briſtow.*" This Indictment was brought before the Grand Jury at the Quarter Seſſions. Mr. *Mills* ſwore what he pleaſed there. What that Evidence was, which he and his Witneſſes gave, I cannot ſay. It will be found by and by. Upon this Indictment, Mr. *Mills* applied to the Court of *King's Bench* for a new Trial; on this Ground he makes an Affidavit, and ſwears, *that he never received Five Guineas from Mr. Briſtow, or any other Perſon, in order to vote for Mr. M'Pherſon.* I ſpeak of a notorious Fact, which happened in a Court of Juſtice, before the greateſt Magiſtrate in this Kingdom. *Lord Mansfield*, upon hearing the Arguments, and the Evidence that was given in the learned Judge's Report who tried the Cauſe, ſaid, it appeared ſtrange that ſuch an Affidavit ſhould be made—for *Gunn* never ſwore or inſinuated, that it was to vote for *M'Pherſon*; he ſwore to a Fact, which

Mills

Mills had not denied, but he had denied another Fact, to the Truth or Falſity of which, *Gunn* had not ſworn. Every Thing was ſaid, that could have been ſaid, by Counſel at the Bar, in favour of the Motion; notwithſtanding which, *Lord Mansfield* was pleaſed to ſtop all Arguments againſt it, as unneceſſary; and in delivering his Opinion, expreſſed himſelf in the ſtrongeſt Manner. He ſaid, it was the moſt audacious Application that ever came before the Court. The Affidavit of *Mills* was ſo evaſive, that inſtead of its contradicting the Teſtimony of *Gunn*, it was a Confirmation of what he had ſaid.

Gentlemen, I will take my Leave of this Part of the Caſe. I ſhould have taken no Notice of it, but was apprehenſive ſome little Remarks would have been made upon his Integrity. I call upon any Man in this Court, to produce a ſingle Inſtance of a Contradiction, in any Evidence which he has given. Every one who knows the Reſentment expreſſed by the Court of *King's-Bench*, knows likewiſe the Inconſiſtency of the Affidavits. For my own Part, I had rather be the Perſon ſworn againſt, than *Olive Mills* who ſwore *.

Gentlemen, It is my good Fortune, if I grow a little warm, and forget my Duty, to have a Friend with me in the Cauſe, who is cool and collected; he has put me in Mind

* Mr. *Pitt* reminded Mr. *Burke*, that he had omitted ſaying any Thing about the Character of *Davis*.

of what I fear might otherwiſe have remained unnoticed. I have told you, what a malicious diabolical Scheme there has been againſt *Gunn*; but none of thoſe Charges apply to Mr. *Davis*.—There is no Slander againſt him—no Attempt to impeach his Credit or Character. He will come and tell you upon his Oath, *That Mr.* Petrie, *neither directly nor indirectly, authorized, or in any Manner employed him, or any other Perſon to his Knowledge, to give any Money, or promiſe any Reward whatſoever*. *Gentlemen*, This is a Contradiction, which is ſufficient of itſelf to overturn even a probable Story, ſupported by good Witneſſes. I call upon you for hard Juſtice, as if it was a Matter of Ten Shillings only, between Man and Man. From this Contradiction of unimpeached Witneſſes, even ſuppoſing the Witneſſes on the other Side were likewiſe unimpeached, and from the Abſurdity of the Conduct, of which they have repreſented Mr. *Petrie* to have been guilty, you would be bound to find for the *Defendant*.

Gentlemen, I have ventured once more, with his Lordſhip's Permiſſion, to call back your Attention to the Probability of the Story, and the Manner of weighing Evidence. That you are not bound to believe every Thing that was ſworn, but of what was ſworn that you believe to be true. And from the other Part of the Caſe that I ſtated, that it is a criminal Proſecution, and we are completely entitled to all that Nicety of ſifting the

the Evidence, as if you were trying a Man for Murder, or for any other Crime which would affect his Life.—In what I have ſaid I have not been deceiving you. I declare I ſhall not impoſe upon you—I reſpect a Jury too much. I feel their Importance, and the great public Utility of Jurors to be ſuch, that it would be criminal to deceive or miſlead them. This is the firſt Time I ever addreſſed a Jury, let it be the laſt if I impoſe upon them. If I have ſpoken wrong, I have ſpoken conſcientiouſly:—What has convinced myſelf, I have offered for your Conviction.

Gentlemen, You will be very glad that I am drawing to a Concluſion. When I look at his LORDSHIP, I am afraid I have treſpaſſed upon his Patience; but I know the high Senſe he has of his Duty, and that he will ſtate to you with Accuracy and Preciſion, what I have done by Prolixity. I ſhould end here, had I my own Will. Was it a Cauſe of my own, I ſhould reſt it upon the clear Diſcernment of the Judge—upon the Integrity of your Hearts, and the Soundneſs of your Judgments; I ſhould reſt it upon the Facts. But I am here in a Truſt, and I cannot diſpoſe of Things committed to me in Truſt, according to my Fancy or Inclination. *Gentlemen*, Mr. *Petrie*, who is the Object of your Conſideration, and will be the Object of your Juſtice:---Mr. *Petrie* is not here, and I am ſure there muſt be ſome very weighty and important Affairs he had to attend

tend to, that have kept him at Home. Though I had no perſonal Acquaintance with him, before the Commencement of theſe Cauſes; yet, from what I have ſeen of his Manners, his high Senſe of Honour, his good Underſtanding, and being perſuaded of the Rectitude of his Conduct, I have every Reaſon to believe that he would ſubmit to the ſevereſt Penalties, rather than conſent to have done, what I am going to do for him. But though Mr. *Petrie* would not do it himſelf, and if he had been preſent might have acted as he had thought proper; yet, as he is abſent, and I have a Character to ſuſtain, I ſhall not have it to go out into the World, that Mr. *Burke* ſuffered his *Client* to run the leaſt Riſque of being ruined, becauſe, either for want of Attention or from falſe Delicacy, he would not produce that, which would have ſaved him even if had been guilty. When I ſay I can produce that, which will ſave him though he were clearly guilty, you, Gentlemen, you will immediately know, that it is an Indemnity I have to offer. Suppoſing you believed thoſe *Crickladers*, and their improbable Story, (which I am ſure you do not believe) yet, if they could, upon the cleareſt Evidence of unimpeached Witneſſes, prove his Guilt, Mr. *Petrie* is completely indemnified.

When the Act of the 2d of George IId, was made, to prevent Bribery at Elections, the more effectually to obtain the Object and the Intentions of the Act, the Legiſlature

giſlature thought fit to ſay, that any Perſon who had been guilty of that Offence, if he would make Diſcovery of any other Perſon or Perſons, who likewiſe had been guilty of that Offence, ſo as to bring ſuch Perſon or Perſons to Juſtice, he ſhould himſelf ſtand indemnified from all the Penalties and Diſqualifications which otherwiſe he would have incurred, by a Breach of the Act. I ſhall juſt take the Act as it is. If there is any Point of Law that may ariſe in the Caſe, I ſhall have an Opportunity of arguing it elſewhere. Three Words will tell you, upon what Ground Mr. *Petrie* is intitled to this Indemnity. He brought an Action againſt *my Lord Portcheſter*, charging him with bribing ſeveral Perſons, and convicted him. —I do not mean by his being a *Plaintiff* in that Action, that he can be indemnified;—but the Facts are theſe; Mr. *Petrie* convicted *Lord Portcheſter* in ſeveral Penalties, upon the Evidence of Mr. *George Adams* and of *Morgan Byrt*; upon no other Teſtimony than upon theirs. They were both unwilling Witneſſes, but in the Courſe of their unwilling and reluctant Evidences, thoſe Tranſactions, which had not before been diſcovered, were diſcovered; and of Courſe the Diſcovery was made by Mr. *Petrie*. We ſhall put in the Judgment againſt *Lord Portcheſter*, where you will ſee he was found guilty, and we ſhall call the Short-Hand Writer, who attended the Trial, who will ſhew you from

his

his Notes, that it was upon the Evidence of these Men, that *Lord Portchester* was convicted, and how difficult it was, to get them to speak what they knew. I now state the Fact to the Jury; when we come to this Part of the Case, the Gentlemen on the other Side will, perhaps, be disposed to oppose it. We shall then have an Opportunity of saying a few Words upon the Subject, and leave it with his *Lordship*.

Gentlemen, You have before you the whole Matter of Fact and of Law between the Parties. Though but very imperfectly stated, though but simple and unadorned; yet such as I felt in my own Breast, such Observations as I thought to be true, I have laid before you. They are for your Consideration. I leave with you the Observations on the Plaintiff's Hopes and Expectations.

You have heard of his Motives in this Business, that his Object was to crush Mr. *Petrie*, to prevent his proceeding against him; and truly his Conduct in sheltering himself under a Privilege, which that very Corruption which he had practised had given him, is an Insult to Justice. You have from the Nature of the Case, the Improbability of the Story which has been told you. You have all before you. You have the Remarks that have been made, upon that Satisfaction which Mr. *Petrie* said, Mr. *Davis* and Mr. *Gunn* would give these Men. You have the true Nature of the Action, that it is not

determining

determining, whether Mr. *Petrie* owes Mr. *Benfield* ſuch a Sum of Money; but it is this, —Whether Mr. *Petrie* has been guilty of ſuch an enormous Crime, as to take from him 37,000*l.* not to fill the exhauſted Treaſures of the Country, but to put into the Pocket of Mr. *Benfield*, to enable him to extend that Corruption, to the Ruin of our excellent Conſtitution. Such is the Nature of the Action, and ſuch will be the Effects of the Verdict, ſhould you find for the *Plaintiff*: —But I muſt believe Impoſſibilities, before I admit the leaſt Thought of it into my Mind. I ſhall ſit down in the moſt aſſured Confidence, in my Soul and Conſcience, I feel as in your Stead, I ſhall ſit down in the cleareſt Confidence, that you will, upon the fulleſt Conviction of the Innocence of Mr. *Petrie*, under his Lordſhip's Directions, give your Verdict for the Defendant.

EVIDENCE for the DEFENDANT.

THOMAS DAVIS *ſworn.* (*Examined by Mr.* PITT.)

Q. Mr. *Davis*, the Queſtion I have to aſk you ſhall be very ſhort. Had you any Authority from Mr. *Petrie*, either directly or indirectly, to offer, or to promiſe, any Money

to any of the Voters of *Cricklade* at the laſt Election?

A. Never in my Life.

THOMAS MANN GUNN *ſworn.*
(*Examined by Mr.* PITT.)

Q. I deſire to know, if you had any Authority from Mr. *Petrie*, either directly or indirectly, to promiſe any Money, or to give any Money to the Voters at *Cricklade?*

A. Never in my Life.

Mr. ROBERT LONG *ſworn.*

Witneſs produced an Office Copy of the Judgment againſt *Lord Portcheſter*, entered up in laſt *Trinity* Term.

Mr. *Serjeant Groſſe.* I object to its being read. For what Purpoſe is it produced?

Mr. *Burke.* Upon ſome Counts in the Declaration, *Lord Portcheſter* is convicted upon the Evidence of *George Adams* and *Morgan Byrt*, two unwilling Witneſſes. That he was convicted upon their Teſtimony alone, we ſhall prove by Mr. *Williamſon* the Short-Hand Writer, who attended and took down what paſſed on that Trial.

Court. How do you apply it?

Mr. *Burke.* *My Lord*, This is an Action brought againſt the Defendant by Mr. *Benfield.* In anſwer to this Charge we ſay, that Mr. *Petrie* has convicted *Lord Portcheſter*,

and on that Account is indemnified; not merely becauſe he was *Plaintiff*, but having forced out the Evidence of theſe Men againſt their Will, having convicted *Lord Portcheſter* upon ſuch Evidence, we contend, that he is a Diſcoverer within the Meaning and Purport of the Act of Parliament, and conſequently is intitled to the Indemnity.

Court. I am not ſufficiently converſant in this Buſineſs, to know in what Manner this Indemnity ſhould be taken up. Were it to be admitted, I certainly ſhould have a Doubt on the Subject.

Mr. *Serjeant Groſſe.* I think your *Lordſhip* is perfectly right. Here is a Queſtion of Facts to go to the Jury, whether or not Mr. *Petrie* is guilty of the Charge ſtated in the Declaration. Your *Lordſhip* ſees this is uſed only as a Matter of Law. After the *Jury* have conſidered the Fact and given their Verdict accordingly, if my learned Friend thinks proper to perſiſt in this Indemnification, they will have all the Advantages from it upon a Motion in the Court of *King's-Bench*, which they could have here. I have no Objection to their having the Benefit of it in that Way.

Court. This is an Action of Debt, upon which the *Defendant* Mr. *Petrie* has pleaded a *Nil Debet*. If he can ſhow, that he is indemnified by making a Diſcovery and convicting another Perſon, that ſhows plainly a

Nil Debet, therefore I ſhall not ſhut out this Evidence.

Mr. *Pitt*. If your *Lordſhip* will allow me to ſay one Word.—If this Evidence is to be received, and if it ſhould appear from this Evidence, that Mr. *Petrie* is indemnified, it has in it a compleat Anſwer to the Charge; the Jury have nothing to decide upon, becauſe it is a direct Indemnification. Were the Jury to find for the *Plaintiff* on the Facts, it would be to convict a Man of that, which the Act of Parliament has already declared him to be innocent. I ſhould think the regular Way would be, to conteſt the Point now, whether or not this Evidence is to be, heard in the preſent Stage of the Cauſe.

Court. What you have ſaid Mr. *Pitt*, has great Weight with me. It appears to me, if this Evidence is received, and if I ſhould be of Opinion that it is an Indemnification, within the Meaning of the Act, there is an End to the Action. It is concluſive of every Thing. If Mr. *Petrie* will convince me that he has proſecuted and convicted any Body, within the Meaning of this Act of Parliament, he is compleatly indemnified.

Mr. *Batt*. If in Point of Law, that Judgment cannot now be admitted, if your *Lordſhip* ſhould admit it, and not ſuffer the Facts to go to the Jury, and upon Application, the Court of *King's-Bench* ſhould think it ought not to be admitted, what a Situation are we brought into?

Court,

Court. You may come down again to Trial, if you like it.

Mr. *Serjeant Groſſe.* *My Lord,* This Judgment appears to have been obtained in laſt *Trinity* Term. Your *Lordſhip* is now trying an Action, which was brought in *Hilary* Term, which was ſome Time before this Conviction. The Judgment being compleat as of laſt *Trinity* Term, and *your Lordſhip* now trying a Queſtion on Record, I ſubmit, that no Judgment can be given in Evidence, that was not pleaded. If I know any Thing of Law, it is laid down expreſsly, that no Judgment can be given in Evidence, unleſs it is pleaded; and this Practice is founded in Juſtice, that the Court may ſee whether it is regular, that it has not been obtained by Fraud or Colluſion:—I ſay, that a Court always inſiſts, that any Matter of Record ſhould be ſtated in the Plea. They will not form their Judgments upon a Record, unleſs it was pleaded. The great Argument in Town was, whether this ſhould be pleaded *Puis darrein Continuance*, or if it would be taking the Advantage of the Parties by an *Audita Querela*. Still the Judgment muſt be ſet out on the Record. Neither of theſe are yet determined. I ſubmit to *your Lordſhip*, that there is no Caſe where a Judgment is given in Evidence, that is not on Record.—*Your Lordſhip* cannot conſider Mr. *Petrie* in Point of Law, as a Diſcoverer, ſo as to intitle him to the Indemnity of that Act of Parliament.

Parliament. That is a Point of Law, that has not yet been determined. I do not know if it has been determined, that a Party who commenced an Action and getting Judgment upon that Action, that he is a Diſcoverer. If there is ſuch a Determination, I think Mr. *Petrie* would have uſed it, upon a former Occaſion. I do therefore ſubmit that he is not a Diſcoverer under the Meaning of the Act of Parliament. I contend, that the Perſon who really knows the Fact, and makes the Diſcovery, is entitled to the Indemnity, and not the Perſon who brings out that Fact. A Witneſs in any Action may be the Diſcoverer, if he convicts the Perſon againſt whom the Action is brought. But ſhall Mr. *Petrie*, who was the *Plaintiff* in that Action, I ſay, ſhall he and the Witneſs both be Diſcoverers? Who is the Diſcoverer?—The Man who knows ſomething, and declares what he knows, not the Man who brings that Witneſs to make a Declaration. The Diſcoverer, within the Meaning of this Act of Parliament, is the Perſon who was privy to the Bribery of another. I ſubmit to your *Lordſhip*, that this Judgment cannot be given in Evidence.

Court. Brother Groſſe, Have you any Caſe or any written Authority, that I can rely upon? With regard to the *Audita Querela* that you mentioned, I have little Knowledge of. I would not wiſh to perplex the Caſe, or injure the Parties. If you would tell me, in what Shape it would beſt come before the Court,

Court, I'll do it; but I will not prejudice Mr. *Petrie* or Mr. *Benfield*.

Mr. Batt. If your *Lordſhip* pleaſes, let the Facts go to the Jury, as if this had not been mentioned, and a Special Caſe may be made of it, ſubject to the Opinion of the Court of *King's-Bench*. If your *Lordſhip* ſhould leave it to the Jury, upon the Queſtion of the Indemnity, and they ſhould be of Opinion that it is good, and ſuppoſe the Court of *King's-Bench*, upon Motion, ſhould think otherwiſe, in that Caſe, we ſhall be put to the Expence of coming down here again.—But, if you put it in this Way, the Jury finding for the *Plaintiff* upon the Facts, ſubject to the Determination of the Court, upon a Point of Law; that Determination will be concluſive between the Parties, whether Mr. *Petrie* is indemnified or not.

Mr. Serj. Groſſe. It occurs in every Day's Practice. If an Action is brought upon a Bond, a *Nil Debet* is no Plea that will put the Bond in iſſue. The Difference of that Caſe and this is, whether there is a Matter of Speciality upon Record.

Court. I am ſure the Act of Parliament extends to this Caſe, reſpecting the Indemnity.

Mr. Watſon. What appears to me to be the common Senſe of the Caſe is, if the Jury are of Opinion that the *Defendant* is guilty upon the Facts, a Verdict may be entered up,

up, ſubject to the Opinion of the Court, upon this Point of Law.

Court. Suppoſe I leave it to the Jury on the Facts, and an Altercation ſhould take place reſpecting the Indemnity, all the Evidence that I have, is only the Judgment againſt Lord *Portcheſter*. They have offered other Evidence, without which the Teſtimony on this Part of the Subject is incomplete—Cannot they give that Evidence now?

Mr. Burke. Does your *Lordſhip* mean, that we ſhould go on and argue this Point? Your *Lordſhip* was ſo kind as to ſay, "*Propoſe a* "*Method that will not injure the Parties, and* "*I will agree to it.*" I am going to aſk, if Mr. Serjeant *Groſſe* has any Objection, to let this Judgment be entered as read, and admit that ſuch other Evidence was offered.

Court. I wiſh it may be put in ſuch a Manner, ſo that it may come fairly before another Juriſdiction. As this is a Part of the Defence, I cannot ſtrike out any Evidence. *My Brother Groſſe* will admit that this Judgment was produced, as alſo the Evidence that accompanies it. If the Jury ſhould find for the *Defendant* upon the Facts, there is no Neceſſity for the Indemnification.

Mr. Burke. If it is your *Lordſhip's* Pleaſure, to let the Facts go to the Jury, we have great Confidence in our Caſe upon the Merits, excluſive of the Indemnification.

Mr.

Mr. Serjeant Groſſe. I have no Objection to conſent, that this Judgment was given in, and leave the Facts to the Jury.

Mr. Burke. I am very ready to agree to the Propoſition.

REPLY.

Mr. SERJEANT GROSSE.

Gentlemen of the Jury. I am to put you in Mind of what is the real Queſtion in the Cauſe; for, there has been ſo much Talk about that which has nothing to do with the Cauſe between the Parties; there has been ſo much ſaid by my learned Friend, that all his unneceſſary Harangue ought to be laid entirely out of the Caſe, and you will apply to the Facts; and the only Facts in the Cauſe are theſe, whether Mr. *Petrie* has been guilty of Bribery and Corruption, by Means of his Agents Mr. *Davis* and Mr. *Gunn*, or not.

Gentlemen, You cannot but recollect what Evidence we have given, to ſhew that theſe Men were his Agents. Under his Lordſhip's Direction, I have no Difficulty in ſtating, that every Man is guilty of a Breach of this Act of Parliament, who either by himſelf, or any other Perſon, gives or holds out a Reward to Voters. If he approves of ſuch Acts of his Agents, he is guilty of Bribery.

When I ſay he approves of the Acts of his Agent, I mean, gives him general Authority to act in any Way he thinks fit. Under that general Authority, if the Agent either gives or promiſes Money to the Voters, the Principal is guilty of Bribery. When I come to comment on our particular Evidence, I ſhall ſhew to you what I mean, by that Authority which conſtitutes an Agent. Do recollect the Evidence that I produced, and you will ſee, that it is impoſſible for any Thing, to be more clear or pointed to the particular Fact of Agency than ours. The firſt Witneſs was *Richard Townſend*, on whom a great deal of Invective has been thrown out. Upon that one Witneſs, my Friend has thought fit to ſay Things at the Bar, which are not proved, and indeed cannot be proved. This is a new Mode of Practice I confeſs, but Jurymen are not to believe every Thing that is ſuggeſted at the Bar; they are to be directed by Facts, that are in Proof before them. What does *Townſend* prove, but that *Davis* acted as Agent for Mr. *Petrie*. He purchaſed Ribbands, bringing Voters to Mr. *Petrie*, and taking the Lead in the Management of his Election. Nay, attend to what *Nevill Simmons* and *James Akerman* ſay. *Simmons* ſays, that they were called by *Davis* to the *New-Inn*. They are invited to go to that Houſe, where they met *Davis*. They entered into a Converſation about voting for Mr. *Petrie*. Mr. *Davis* took Chalk and writ *Twenty and Ten*;

Hobgood

Habgood doubted what it meant---in theſe Doubts, they deſired an Explanation. They wrote *in* to the Twenty, and *out* to the Ten. This was underſtood by them, that it was Twenty Guineas if Mr. *Petrie* was elected, and Ten if he was not. Says Mr. *Davis*, *Yes, that is right.* Then the Witneſs went away with him to the *Swan*, to Mr. *Petrie*, in Conſequence of *Davis*'s Invitation,---*When we came to Mr.* Petrie, *Mr.* Petrie *aſked me for my Vote.* The Witneſs ſaid, he wanted to know what for. Now attend to what the Anſwer was,---*Mr.* Petrie *ſays, Mr.* Davis and *Mr.* Gunn *will ſatisfy you.*--What is that, but Mr. *Davis* and Mr. *Gunn* are the Perſons, that I have appointed to treat with the Voters, and conduct the Election. Can there be a more expreſs and direct Proof of Agency than this?

Gentlemen, I ſhall juſt make an Obſervation or two upon the Defence, which they have ſet up. They have called two Witneſſes, *Gunn* and *Davis*, to ſhew you that they had no Authority from Mr. *Petrie* for what they did. But what have they proved? Nothing. I will ſtate to you what happened upon a former Occaſion, when theſe very two Men were called. Mr. *Davis ſays, I had no Authority either directly or indirectly, by any Sign whatever from Mr. Petrie, to give any Money, or to promiſe Money to any Voters to vote for him.* I am very ready to admit, that theſe two Men ſwore this upon a former Occaſion, when Mr. *Petrie* was convicted.

Mr. *Juſtice Buller* who tried that Cauſe ſays, *You are to look to the Defendant's Conduct, from that you are to gather, whether* Mr. *Davis was the Defendant's Agent or not.*—Says he, *the Twenty Guineas which were promiſed, is a very material Part of the Caſe.*

Mr. *Burke.* I object to this. You are reading your Notes, of the Opinion of another Judge, upon another Subject, which has nothing to do with this Cauſe.

Court. I have as great an Opinion and perſonal Reſpect for Mr. *Juſtice Buller* as any Gentleman,---but whatever Opinion another Judge may have given,---I have a Conſcience of my own, and by that I am to be directed.

Mr. *Serjeant Groſſe.*---I beg *your Lordſhip's* Pardon; I did not mean to inſinuate, that *your Lordſhip* ſhould be directed by him.

Court. For what Purpoſe do you ſtate it, ---it certainly muſt be to influence my Judgment.

Mr. *Serjeant Groſſe.* I ſhould be ſorry to incur *your Lordſhip's* Diſpleaſure, but as Mr. *Burke* ſtated, what paſſed in the Court of *King's-Bench*, I thought it was not improper to ſtate, what paſſed in this Court upon a ſimilar Cauſe. I ſhall not trouble *your Lordſhip* with it. My own Obſervation upon the Defence is this, that the Anſwer which *Davis* gave to the Queſtion, was very

very * dry and ſhort---" *No, never in my Life.*"---They might have aſked him, had you

* At the laſt Summer Aſſizes, when Mr. *Benfield*'s, Mr. *M'Pherſon*'s, and Lord *Portcheſter*'s Actions againſt Mr. *Petrie* were tried, the Evidence of the Agency of *Gunn* and *Davis*, which was given in Mr. *Benfield*'s Action, was agreed by the Counſel on both Sides, to be read to the Juries from the Judge's Notes, as Evidence in the other two Cauſes. Mr. Juſtice *Buller* in his Charge to the Jury, in Mr. *Benfield*'s Action, remarked to them, upon *Gunn* and *Davis*'s Examinations, in nearly the Words, here adopted by Mr. Serjeant *Groſſe*. He ſaid their Examinations had been *very dry, cloſe, and cautious, —that they trod upon tender Ground.* Lord *Aſhburton*, (then Mr. *Dunning*) who was Counſel for Mr. *Petrie*, in his Defence upon Mr. *M'Pherſon*'s Action, which was the next Action tried, took Notice of its having been obſerved, that the Examinations of *Gunn* and *Davis*, upon the former Trial, had been " dry, cloſe, and cautious;" and that it had been urged, that " they trod upon tender Ground." For himſelf, Lord *Aſhburton* ſaid, he diſclaimed every Idea of concealing the Truth, or of treading upon Ground at all tender. He deſired, when thoſe Men were again called, if it occurred to any Body who heard him, that he did not put Queſtions to them, to make the Denials as full, complete, comprehenſive, and peremptory, as it might be poſſible for Words to make them, of their having had any Commiſſion, Power, or Authority, from Mr. *Petrie*, either by expreſs Order, or by any Sign or Geſture, or in any Mode or Manner whatſoever, that was underſtood between them, to give, or to promiſe to give, any Reward to any Voter, that he might be aſſiſted in the Examination, that the Queſtion might be probed to the Bottom. Lord *Aſhburton* further remarked, that it ſhocked Human Nature, to ſee a Torrent of Witneſſes, whom Mr. *Petrie* had convicted, come into a Court of Juſtice, moſt of them half drunk, to tell a Story, upon their Oaths, which was totally falſe: That if the Evidence of *Gunn* and *Davis* ſhould not be conſidered (as in Truth it was) a full Refutation of every Charge againſt Mr. *Petrie*, that he ſhould only lament,

you any general Authority to act in all Cases for Mr. *Petrie*, during the Election---it does not require his Approbation of any Thing that *Davis* did, if they had a general Authority to act for him, that is sufficient.---I do therefore submit to you Gentlemen, that the Proof given, is a clear and indisputable Authority.---It cannot be expected that we can prove, that he actually desired them to bribe the Voters,---nay, Mr. *Petrie* knew a great deal better what he was about, than to say to either of these Men, " go and bribe to such an Extent."--But may he not say to them, " I leave it to your Management."---Nay, I call upon his own Words which are in Evidence. —When the Voters applied to him, to know what they were to receive---he tells them, *my Friends*, Mr. *Davis and* Mr. *Gunn will satisfy you.*—The particular Question was, *what are we to vote for?*---What is the Meaning of this Question, and what can be the Meaning of his referring it to his Friends *Davis* and *Gunn*, but that they wanted to know, how much Money they were to have for their Votes; and Mr. *Petrie* told them, that *Davis* and *Gunn* would satisfy them.---

ment, that it should be the Fate of Innocence, to be convicted upon such Testimony.

Lord *Portchester*'s Action against Mr. *Petrie*, was the last of the three Actions that was tried. As soon as the Verdict was given against him, which Verdict was for 3,5000*l.* Mr. Justice *Buller* jocularly enquired of Mr. *Petrie*'s Counsel, how the Balance then stood.

I refer

I refer you with Confidence to Mr. *Petrie*'s Anſwer, that it could mean nothing elſe. Being ſo directed by him, what does *Davis* do? He writes with Chalk, Twenty *in* and Ten *out*; and when the People did not underſtand it thoroughly, it was explained to them, that they ſhould have Twenty Guineas if choſen, and Ten if not. In my humble Opinion, no Language can ſpeak plainer than this does.---Again, if you conſider, that it was at an Election, where the moſt notorious Bribery was going forward---I have loſt my Senſes,---I do not know what the *Engliſh* Language means,---I have no Underſtanding, if this Language can be miſunderſtood.---But *Gentlemen*, let us go on with the other Witneſſes, *Robert Clark*, *Thomas Stratford*, and *Thomas Townſend*, theſe three Men tell you the ſame Story, *Twenty Guineas in and Ten out*.---The Gentlemen on the other Side, have not aſked a ſingle Queſtion, in order to contradict theſe three Men. They all give one uniform Hiſtory of what happened, when they were with Mr. *Petrie*, and yet my Friend would have you to believe, that there is no Truth in what they have ſaid, but that all of them are perjured. They ſay, that Mr. *Davis* aſked them for their Votes for Mr. *Petrie*, in the Market-Place.---He told them *Twenty Guineas in and Ten out*, deſired them to go to Mr. *Petrie*,--- they went: After drinking a Glaſs of Wine with him, Mr. *Petrie* aſked for their Votes,

and when they were going out, they desired to know what they were to have for their Votes. Mr. *Petrie* told them, what Mr. *Davis* said, he would be answerable for. Now what was it that Mr. *Petrie* was to be answerable for, but that Promise, which *Davis* made them in the Market-place. Here then is an Authority from Mr. *Petrie* to Mr. *Davis*, to promise something. If Mr. *Petrie* had told the Voters themselves, that Mr. *Davis* was authorized by him to contract for their Votes, it could not be plainer than what passed ;—* *Whatever my Friend* Davis *says, I will be answerable for.---Whatever he promises, or whatever he gives you, I will abide by.* This must mean something or other. Now to understand its Meaning, you are to recollect what the Conversation was about; it it was about their Votes. Now this goes directly to the Agency of Mr. *Davis*, together with his going from Time to Time to the Voters, and bringing them to Mr. *Petrie*. *Thomas Stratford* spoke to the same Effect; he tells you, that Mr. *Davis* promised him *Twenty Guineas in and Ten out.* Here again you have Mr. *Davis* in the Capacity of an Agent, employed by Mr. *Petrie*. He likewise tells you, that Mr. *Petrie* said, that what *Davis* did, he would be answerable for. The next two Witnesses were *Carter* and *Herring*. What they have said is not so strong as in the

* This Evidence is not given by any of the Witnesses,

other

other Caſe. *Gunn* is not introduced in the other, but here he is ſaid to have promiſed the ſame as *Davis*, *Twenty in and Ten out*.

Gentlemen, This is the Evidence that I have offered for your Conſideration, and it is to prove, that Mr. *Petrie* has been guilty of notorious Bribery at *Cricklade*, through the Medium of his Agents Mr. *Gunn* and Mr. *Davis*.

What is the Anſwer given, in hearing the Defence, which the learned Gentleman has ſet up? He entertained you with a great deal of Matter, which had no Relation to the Cauſe. I beg therefore you will lay it entirely out of your Minds. I am ſorry that my Friend has compelled me to talk, in the manner that I am going; he exerted himſelf indeed very ably, in the Defence of his Client; he has paid me Compliments, that I do not deſerve. I do not, like him, reſt the Cauſe of my Client upon my Abilities, but upon the Truth and Juſtice of the Caſe. My learned Friend complains very much of want of Abilities, but does he really mean ſo? If he does, he muſt lay it intirely aſide, for he has heard it from the Bench *, that it was the beſt Speech that ever the learned Judge heard. I heartily agree with the learned Judge. *Gentlemen*, I ſhall not amuſe you with any fine turned Sentences; I ſhall

* Alluding to a Compliment paid by Mr. *Baron Perryn* to Mr. *Burke*, when he cloſed the *Defence*.

immediately apply myſelf to your Judgment and good Underſtanding, which will prevent you from being lead away by the Arguments of Counſel, however ingenious; you will determine upon Facts, and thoſe only.

Gentlemen, I am complained of, that I opened the Cauſe with very few Words, a Cauſe of great Magnitude. What would have been ſaid, if I had commented upon it? I ſhould have been told by the Gentleman on the other Side, that it was a bad Cauſe, that I was under the Neceſſity of impreſſing your Minds with the Magnitude of the Offence, inſtead of ſimply ſtating the Evidence, and that this was done for the Purpoſe of miſleading you. *Gentlemen*, judge ye which of us is the Perſon who wiſhes to miſlead you, he that opens a plain Caſe with few Words, or he that applies himſelf to ſtrike your Paſſions and inflame your Sentiments againſt the *Plaintiff*, by repreſenting the Motives of his Conduct upon this Occaſion, by repreſenting to you that which was done in another Cauſe, and does not belong to this Cauſe?

Gentlemen, You have heard from my learned Friend, that this is a great, that this is an horrible Offence. Indeed I perfectly agree with him, that it is ſo, and you have been told the Conſequence of your Verdict, ſhould it be for the *Plaintiff*, that this Gentleman is to be fined a great deal more than he is worth, but is that to be the Meaſure of your Verdict? If it is ſo, that he

will

will be ruined, why ſo many Verdicts? What vaſt Sums of Money he recovered laſt Aſſizes, by convicting eighty or ninety People of Penalties of 500*l.* each. *Gentlemen*, Neither his Wealth or his Poverty is to be the Meaſure of your Verdict. Whether he is rich or poor, he muſt anſwer for himſelf, and the Acts of his Agents. *Gentlemen*, not content with ſaying a great deal reſpecting the *Plaintiff*, he muſt likewiſe throw out Invectives againſt Mr. *Townſend*. What has been ſaid againſt him? My Anſwer to it is this, that nothing has been proved to affect his Character or his Credit; and it always is a Rule, when much is ſaid upon any Subject, or againſt any Perſon, and not proved, it would have been much better, not to have ſaid any thing about it.

But it was ſaid, that Mr. *Petrie* had an honourable Connexion with this Borough, but who is this Mr. *Petrie*? Wherein does that honourable Connexion conſiſt? Where does he come from? A Story is told you, about his ſupporting the Rights and Privileges of the Electors of *Cricklade*, but there is no Proof before you of any ſuch Fact exiſting. What has Mr. *Petrie*'s firſt Connexion with this Borough to do in this Cauſe? What has the Caſe of Lord *Portcheſter* to do with it? It is intirely out of the common Courſe of Practice, to talk of Subjects, that do not immediately relate to the Subject before the Court. Nay, here you are told of Mr. *Petrie*'s

coming to the Borough, bare of every Thing but Merit. May be ſo, but I ſay, he was not deſtitute of Wit and Cunning. Though he had no Money, yet he could promiſe. The Words of the Act of Parliament ſtrike as much againſt Promiſes, as the actually giving a Bribe. Therefore it is no Anſwer to the Charge, that this Gentleman came bare of every Thing but Merit. He has not proved the Merit, which his Counſel has ſtated for him. Whether he had the Merit which is pretended or not, I do not know. *Gentlemen*, you have likewiſe been told of a Caſe of Lord *Portcheſter*, of his being convicted of Bribery at this Election, by Means of his Agent. This I know, that it ought not to have been introduced into this Cauſe. But the Gentlemen have likewiſe told you, from the Situation in which Mr. *Petrie* found the Borough, invaded by Nabobs, that he muſt either be a Madman or a Fool, to have made any Promiſes, knowing well that Promiſes would not go down at *Cricklade*. Thus much I am certain of, if they would have gone down, he was very liberal in beſtowing them. I do not ſay, but that Money will go better down with the Voters at *Cricklade*, but his Intention to corrupt by promiſing is clear. Whether he meant to perform the Promiſes or deceive the People, he is equally criminal. You are told that Mr. *Petrie*'s Plan was this, *without any Intention to corrupt the Voters, he was to procure his Seat by a Peti-*

tion

tion againſt the other Candidates, by proving that he had a Majority of legal Votes; but he had another Scheme. He found that one of the Gentlemen had been guilty of Bribery to a conſiderable Extent; he contrived to bring Actions againſt them, to fill his Pockets with their Money. The Event has turned out juſt as he propoſed at firſt. You no Doubt have heard, that he has obtained Verdicts for a monſtrous Sum, indeed, no leſs than Fifty or Sixty Thouſand Pounds. A Man like this coming down to the Borough, he is not content with giving the Voters Promiſes, but he gets Verdicts againſt theſe very Men, whom he intends to corrupt. I do not ſay, that they are fair Verdicts, or that it is an honeſt Scheme, but it is a wiſe one to fill his own Pocket. So much for the Gentleman's Madneſs. But it is ſaid, that if you ſhould be of Opinion with the *Plaintiff*, it will bring the *Defendant* to hopeleſs Ruin. I wiſh Mr. *Petrie* had thought of this, before he brought ſo many Actions,—no leſs than One Hundred and Thirty againſt Men, who, if taken in Execution, will bring them to hopeleſs Ruin with a Witneſs. If he puts them in Gaol, or if he takes the Penalties from them, in either Caſe it will be bringing them to Ruin. I wiſh I had Eloquence equal to that of my learned Friend, to paint the miſerable Situation of theſe poor Wretches, who are at Mr. *Petrie*'s Mercy. From ſuch a Conduct in the *Defendant*, no Man could

ever have ſuppoſed a Defence like this, would have been ſet up for Mr. *Petrie*. But, *Gentlemen*, all that has been ſaid by my learned Friend upon this Subject, is entirely out of the Caſe. You have no Buſineſs with the Character or the Actions of the *Defendant*, much leſs have you with the Motives or the Situation of the *Plaintiff*. If he had been a Man, wandering in the Street, of the Name of *John Thomas*; if he had been a nameleſs Man; if he proves his Caſe, he muſt be entitled to your Verdict. What would you think of my learned Friend, when not content with ſaying a great deal about the Innocence of his Client, but he muſt likewiſe ſay a great deal, about the Nature of the Proſecution. *That* likewiſe has nothing to do with the Cauſe, let him ſhew that he is innocent.

You have heard much upon the Subject of Mr. *Benfield*'s Wealth; that his Name is known throughout the Weſt of *England*, whenever it is mentioned the Echo is Bribery. He ſays, the name of *Benfield* is no ſooner uttered, but the Anſwer to it is Bribery. Whether it is ſo or not I cannot ſay, but this I can affirm, that there is no Record of the Conviction of Mr. *Benfield* for Bribery. Are you then to believe, that which does not appear in Evidence, but merely the Suggeſtions of Counſel? In this Way they endeavour to miſlead your Underſtandings, by florid Speeches, inſtead of authentic Facts.

As

As ſo much has been ſaid of Mr. *Benfield*, and his Conduct at the laſt Election, I ſhall only ſay this, that the Propriety of his Conduct has been queſtioned in the Houſe of Commons, and they have declared, that he has a Right to that Seat, which he now enjoys. After ſuch an Examination and Acquittal, by ſo reſpectable an Authority, why ſhould my Friend talk of that, which he has no Evidence to prove? But the whole of his Speech, was an Application to your Paſſions.

Gentlemen, a great deal has been ſaid, not only about the Nature of the Proſecution and the Motives and Situation of the *Plaintiff*, all of which is nothing to the Purpoſe; but it has likewiſe been ſaid, in Anſwer to what our Witneſſes have proved, that when that Converſation was between them and Mr. *Petrie*, about the Clamour in the Town, that when he referred them to Mr. *Davis* and Mr. *Gunn*, it reſpected that Clamour, and not Money for their Votes. What did their Converſation mean, when the Witneſſes aſſured Mr. *Petrie*, that he could not ſucceed, becauſe he was not able to fulfil his Promiſes; and what was the Anſwer he gave them, but my Friends Mr. *Davis* and Mr. *Gunn* will ſhew you, that I ſhall be able to pay whatever they agree to. Now, *Gentlemen*, what is the Defence which they have ſet up, but calling theſe two Witneſſes, *Thomas Davis* and *Thomas Mann Gunn*; they are aſked this ſimple Queſtion, *Whether Mr. Petrie ever*

authorized

authorized them, to make any Promiſe to the Voters, or to give any Money. Very like he did not. This Obſervation I before made; they did not dare to aſk either *Davis* or *Gunn*, if it was true or falſe, that they acted in the Manner the other Witneſſes had ſworn. Some of them tell you, when they came to Mr. *Petrie* by the Deſire of *Davis*, when they aſked what they were to vote for, Mr. *Petrie* ſaid, I cannot talk to you of Money, but go to Mr. *Gunn* and *Davis*. Can there be a clearer and more explicit Act of Agency, which came from Mr. *Petrie*'s own Mouth? Can any Man be more particular in declaring an act of Agency, than in this Inſtance, when he tells the Voters, that he cannot ſpeak to them about Money himſelf, but refers them to *Davis* and *Gunn*, to theſe Men I refer you, what they ſay I will abide by?

This is the Evidence which we have given, which appears to be a plain Authority given by Mr. *Petrie* to the two Agents, to act as they thought fit, making theſe Voters to underſtand, that what they promiſed, he would be anſwerable for. And his Lordſhip in his Direction will tell you, that ſort of Evidence which we have given, is all that is neceſſary to prove the Agency. Upon the whole, what Evidence is there before you, to contradict the Caſe that we have made out? All our Witneſſes have told you, when there was a Doubt in the Minds of the Voters, reſpecting Mr. *Petrie*'s Ability to fulfil,

fulfil, or the Authority of his Agents to give, Mr. *Petrie* directed them to Mr. *Gunn* and Mr. *Davis*, who would fully ſatisfy them, and remove their Doubts.

Gentlemen, I am very ſorry, that the Length of my learned Friend's Speech, ſhould have made it neceſſary for me to take up ſo much of your Time, but it was incumbent on me, to ſtate to you the real Facts in the Cauſe, and to ſhew how little applicable to that Cauſe, the long and elaborate Speech he has entertained you with is, either nearly or remotely. If you believe our Witneſſes, which ſtand uncontradicted, you have the fulleſt Proof of Agency, and of the different Acts of Corruption, which the *Defendant* muſt be anſwerable for. I have not detained you with a long Speech, or gone into Matter which has no Connexion with the Cauſe, but have confined myſelf to Facts only. To your good Senſe I leave them, and am fully perſuaded, under my Lord's Direction, you will be of Opinion, that we have proved our Caſe, and will find your Verdict for ſo many Penalties, as you think proper.

Mr. Baron PERRYN's CHARGE to the JURY.

Gentlemen of the Jury,

PAUL BENFIELD, Eſq; is the *Plaintiff*, and *Samuel Petrie*, Eſq; is the *Defendant*. This is an Action of Debt brought upon the Statute of the 2d of *George* the IId, in order to recover a Penalty, which the *Plaintiff* alledges the *Defendant* has forfeited, by his having committed Acts of Bribery, at the laſt Election for the Borough of *Cricklade*. The Declaration has made a Charge of Seventy-four Penalties. The *Plaintiff* has proceeded to give Evidence only on Nine of theſe Penalties, for corrupting *Nevil Simmons*, *James Akerman*, *John Simmonds*, *Benjamin Stratford*, *Robert Clark*, *Thomas Stratford*, *Thomas Townſend*, *Edmund Carter*, and *John Herring*. There has no Evidence been given to any other Count in the Declaration, but to theſe Nine.

Now, *Gentlemen*, all that has been ſaid reſpecting the Motives and the Conduct of the Parties, I would lay entirely out of the Caſe. What Mr. *Benfield* is, or what Mr. *Petrie* is, has nothing to do in the Cauſe. You are to decide upon this Act of Parliament, which

is

is a good and ſalutary Law, calculated to preſerve pure the Rights of Election, upon which the Continuance of our excellent Conſtitution depends.

The Caſe has been laid before you, by the Counſel on both Sides, in the beſt Manner, ſupported by very able and ingenious Arguments. It has been very properly obſerved, that though it comes before you as an Action of Debt, yet it is a criminal Proſecution, to which is annexed, a very ſevere and heavy Penalty. You will require clear and ſatisfactory Proof of the Charge, before you Convict the *Defendant*.—Unleſs you think the Evidence brings it directly home to the *Defendant*, you will be inclined to find your Verdict for him; and not to ſubject him to ſuch a heavy Penalty, if a Doubt remains with you of his Guilt.

Gentlemen, Of the Nine Counts, of which they have given Evidence, I ſhall lay out thoſe, where I think there is not Evidence to affect Mr. *Petrie*. I ſhall confine my Obſervations to Five only, for there does not appear to be any Evidence reſpecting the other Four. All that has been given in Evidence on the Count reſpecting *Thomas Stratford*, is, that Mr. *Davis* deſired him to go into Mr. *Gunn*'s Houſe to Mr. *Petrie*. When in the Street, Mr. *Davis* promiſed him, if he voted for Mr. *Petrie*, to give him *Twenty Guineas in*, and *Ten Guineas out*. The Witneſs went to Mr. *Petrie*, who aſked him for his Vote.

Mr. *Petrie* did not ſay he would do any Thing, but that he would behave as handſome as before. There is no Evidence to bring this Caſe home to the *Defendant*. The Caſe of *Thomas Townſend* is to be conſidered in the ſame Light. He was applied to by Mr. *Petrie* for his Vote, who told him, he would behave the ſame, as at the laſt Election. The Caſe of *Edmund Carter* likewiſe ſtands, on the ſame footing with thoſe I have ſtated. He ſays, *Mr. Gunn* called him into a Room, and told him, that he ſhould have *Twenty Guineas in, and Ten out*; but Mr. *Petrie* was not preſent. With regard to the next Witneſs *John Herring*; he ſays, the Day before the Election he was in Mr. *Gunn*'s Houſe; that Mr. *Gunn* ſaid to him, *it will be worth your while to vote for Mr. Petrie, for you ſhall have Twenty Guineas if he is choſen, and Ten if he is not*. Mr. *Petrie* did not hear this, neither does it appear, that he knew any Thing of it.

Gentlemen, If you go along with me in theſe Obſervations, that there is no Evidence to affect the *Defendant* reſpecting theſe Men, leaving out theſe four Caſes, the Queſtion is reduced to the other five.---Now the firſt Witneſs that is called, in ſupport of the Charge, is *Nevil Simmonds*,---the Perſon ſuppoſed to have been corrupted.--He ſays, that he is a Voter at *Cricklade*, and that *Thomas Davis* ſent for him to the New-Inn, and aſked him to promiſe his Vote for Mr. *Petrie*. *Simmonds* ſaid,

ſaid, *What am I to vote for!*---*Davis* wrote with Chalk, Twenty and Ten.---They did not underſtand it, and one *John Habgood*, who has not been examined here, wrote Twenty *in*, and Ten *out*.---They would have you to underſtand, that if Mr. *Petrie* was elected, they ſhould have Twenty Guineas; if he was not, they ſhould have Ten.---The Witneſs ſays, that when *Habgood* wrote the *Twenty in*, and *Ten out*, that Mr. *Davis* ſaid, "*That is right, and I'll ſtand to it.*"---Now, if you take it upon this Tranſaction, that theſe Men were bribed, that they conſidered this as a Promiſe made them for their Votes, yet, if you believe the Teſtimony of *Davis*, who has poſitively told you, that he had no Authority at all to do any one of theſe Acts, it cannot affect Mr. *Petrie*.---*Simmonds* ſays, that he, *James Akerman* and *John Habgood* went with Mr. *Davis* to Mr. *Petrie*, who was at Mr. *Gunn*'s Houſe, the *White-Swan*;---He ſays, that Mr. *Petrie* aſked him for his Vote and Intereſt. The Witneſs ſays, he made uſe of the ſame Language he did to *Davis*; ---"*What for.*"---What he meant by theſe Expreſſions, he ſays not.—You are left to put your own Conſtruction upon them; they are not explained.—It does not appear, that Mr. *Petrie* made them any Promiſe, or knew what was done at the *New-Inn*, or recognized any one Act, ſo as to make theſe People his Agents. There was no Explanation made to Mr. *Petrie* of any previous Converſation,

nor

nor does it appear from any Evidence that has been given, that he knew any Thing of what had paſſed between *Davis* and them.—The Witneſs tells you, that Mr. *Petrie* ſaid, he could not talk of Money Matters.—When they were going out of the Room, Mr. *Davis* ſaid, "*I'll ſtand to what I ſaid.*"—But though this ſhould be ſtrictly true, it does not appear to me, that ever it was explained to Mr. *Petrie*, that *Davis* and *Gunn* had offered to any of the Voters Twenty Guineas. It muſt appear that he knew of it, and confirmed and ratified what they did, by ſomeMark of Approbation, to conſtitute them his Agents.

Gentlemen, *James Akerman* is the next Witneſs. He ſays, that he went to the *New-Inn*, at the Deſire of Mr. *Davis*. When there, *Davis* aſked them to vote for Mr. *Petrie*. *Simmonds* enquires, "*What for.*"—He confirms the Teſtimony of *Simmonds*, about this chalking Buſineſs.—He likewiſe ſays, that after *Habgood* wrote *Twenty* in, *and Ten* out, that *Davis* ſaid, *that was right, he would ſtand by it, and that his Word was as well to be taken as any Man's in the Town.*—Now, it does not appear from any Evidence that has been given, that *Davis* had either a general or a particular Authority to act, in the Manner theſe Witneſſes have told you he did.—As I ſaid before, unleſs it is brought home to Mr. *Petrie*, that he authorized *Davis* and *Gunn*, or ratified and confirmed

what

what they did, or knew of it, you cannot be of Opinion, that, for what they did, he is to be pronounced guilty of ſo heavy a Charge as this.

When *Akerman* comes to the *Swan* to Mr. *Petrie*, Mr. *Petrie* aſked the Witneſs for his Vote.---*Akerman* ſaid, "*How can you think of ſtanding a Candidate, you are not a fit Perſon, ---there is a Clamour in the Town againſt you.* ---Mr. *Petrie* ſays, *Don't trouble yourſelf about that, my Friends* Mr. *Davis and* Mr. *Gunn will ſatisfy you.*"---Which, as Mr. *Burke* juſtly obſerved, could mean nothing more, than they would ſatisfy them, that there was no Ground for the Clamour. It has been ſaid by the learned *Serjeant* on the other Side, that it could relate to nothing elſe, than what they were to have for their Votes---They might mean ſo, but it does not appear that Mr. *Petrie* knew what had paſſed between Mr. *Davis* and theſe Men at the *New-Inn*, and therefore his Anſwer could not relate to any Thing, but that which was the immediate Subject of Converſation.---*Gentlemen*, I ſay again, whatever was ſaid by *Gunn* and *Davis*, unleſs it is proved they had a general Authority from Mr. *Petrie*, to act as they thought proper; or unleſs it is proved, that taking upon themſelves to make Promiſes in his Name, he afterwards ratified and confirmed thoſe Promiſes, I am ſure, in ſuch a Caſe as this, you will not incline againſt the *Defendant*.

The

The next Witneſs is *John Simmonds*.—He ſays, that he was with *Benjamin Stratford* and *Robert Clark* in the Market-Place, the *Friday* before the Election. That Mr. *Davis* came to them and aſked them for their Votes and Intereſt for Mr. *Petrie*, and deſired them to go up to Mr. *Gunn*'s.---As they went, *Davis* ſaid, they ſhould have Twenty Guineas if Mr. *Petrie* was choſen, and Ten if he was not.---That they were introduced into a Parlour to Mr. *Petrie*, and *Davis* ſaid, *here are three Men, who were not at Home, when you was on your Canvaſs*. That Mr. *Petrie* aſked them for their Votes and Intereſt, and one of them ſaid, they had no Objection.--- They drank a Glaſs of Wine. Mr. *Davis* took them into another Room, and Mr. *Petrie* ſaid, "what *Thomas Davis* did, he "would be anſwerable for." He ſays, Mr. *Petrie* was not preſent, when *Davis* made this Promiſe. There is no Evidence in this Caſe, of Mr. *Petrie*'s having the leaſt Knowledge of *Davis's* corrupting this *John Simmonds*. You have no Evidence of what was ſaid by *Davis* to theſe Men, when they went with him into another Room.—The next Witneſs is *Benjamin Stratford*. He ſays, that Mr. *Davis* aſked him to vote for Mr. *Petrie*, and he relates the ſame Story, that *Simmonds* told you. He was one of the two, that *Simmonds* mentioned were with him.

Though you give theſe Witneſſes Credit, and believe that *Davis* gave them ſuch Promiſes,

miſes, and that they conſidered them as Bribes; whether there were ſuch Offers or not, is immaterial to the preſent Queſtion, if he had no Authority from Mr. *Petrie* for acting in this Manner, and if Mr. *Petrie* never approved of what he had done. Mr. *Davis*, whoſe Credit is not impeached, and likewiſe Mr. *Gunn*, whatever may have been ſaid of him, ſtands unimpeach'd before you, both theſe Men, upon their Oaths, declare, that they had no Authority from Mr. *Petrie*, directly or indirectly, to give any thing, or to promiſe any thing to any Voter. It is Mr. *Petrie* that is to ſuffer in this Action, and not *Gunn* and *Davis*. You are likewiſe to conſider, that this Man, and the reſt of the Witneſſes, have been convicted of Bribery at the Suit of Mr. *Petrie*. At leaſt many of them, if not all of them, have been convicted by him. How far that may influence their Minds, and affect their Credit, is for your Conſideration.

The next Witneſs that was called is *Robert Clark*.—He ſays, the *Friday* before the Election, he was going up the Street, and Mr. *Davis* ſaid, "*You was not at Home, when* "*Mr.* Petrie *was canvaſſing, go and ſpeak to* "*him. If he is* in, *you ſhall have Twenty Gui-* "*neas; if he is* out, *you ſhall have Ten.*" He ſays *Davis* took him and the two former Witneſſes into the *Swan*, and introduced them to Mr. *Petrie* in this Manner:—"*Here are* "*three Men, who were not at Home, when you*

"*was on your Canvaſs.*"—He goes on, and relates what paſſed between Mr. *Petrie* and them, in the ſame Way as *Simmonds* and *Stratford* had told you.

Gentlemen, It does not appear to me, from any Evidence that has been given, that any Promiſes was made to any of the Voters, in Mr. *Petrie*'s Preſence, or after they had been with him. I have not taken down a ſingle Word, that conveys any Idea of the Kind.

The whole of the Caſe, on the Part of the *Plaintiff*, ſtands very weak. Of the nine Counts, in ſupport of which Witneſſes have been examined, four of them are without any Evidence, that can affect the *Defendant*; and the Evidence to the reſt of them, is ſo very ſlight, that unleſs you believe, that the Corruption was offered theſe Men by *Davis*, under the Direction and by the Authority of Mr. *Petrie*, or with his Privity and Knowledge, you ought not to conſider him Guilty.

This is a criminal Proſecution, and the Penalty very ſevere. In all ſuch Caſes, the cleareſt Proof is requiſite,—ſo full and ſatisfactory, as not to leave a Doubt on the Mind. With regard to three or four of the Witneſſes who ſaid they told Mr. *Petrie*, that they had promiſed their Votes to another Candidate, it ſeems to me, that it would have been the Extreme of Folly, to have made them any Promiſe, after ſuch a Declaration of their Intentions to vote on the other Side.

Gentlemen, You have been very properly told, that a Jury are not bound to give Credit to all the Evidence that is ſworn, but of what is ſworn, to give Credit to what you yourſelves believe to be true. On the Part of the *Defendant*; *Thomas Mann Gunn*, and *Thomas Davis* have been called, the ſuppoſed Agents of the *Defendant*. They both ſay they never had any Authority, directly or indirectly, or in any Way whatſoever, from Mr. *Petrie*, to give or promiſe any Money, to any of the Voters at *Cricklade*.—They could not have given this Teſtimony with Truth, if in their hearing, Mr. *Petrie* had ratified thoſe Acts, which have been ſworn againſt them.

Gentlemen, The only Fact for you to try is, if theſe two Men were the Agents of the *Defendant*, and acted under his Authority.—It is totally contradicted by themſelves, and their Credit is not impeached. On the Part of the *Plaintiff*, the Evidence is of that Sort, that you can ſift and ſee, if the *Defendant* had any Knowledge of, or gave his Aſſent to, what *Gunn* and *Davis* did. If you ſhould think, that he approved of their Conduct, you will then conſider, how many have been proved corrupted. The whole of the Caſe is ſubject to your Conſideration; and, if there is any Doubt in your Minds of the Guilt of the *Defendant*, you will be diſpoſed to acquit him.—I have made my Obſervations.—You have had very able and judicious Arguments from the Counſel on both Sides.—In my Appre-

henſion, and I can have no Intereſt in the Buſineſs, the Evidence is ſo weak on every one of the Counts, that you ſhould find your Verdict for the *Defendant*.

VERDICT for the DEFENDANT.

To

To Sir HARBORD HARBORD, Bart.
Sir GILBERT ELLIOTT, Bart.
JOHN PENNINGTON, Eſq;
JOHN FREDERICK, Eſq;
Sir THOMAS CLARGES, Bart.
DAVID ROBERT MITCHELL, Eſq;
JAMES PHIPPS, Eſq;
WHARTON AMCOTTS, Eſq;
Sir JAMES PENNYMAN, Bart.
HENRY RAWLINSON, Eſq;
ARTHUR HOLDSWORTH, Eſq;
Lord Viſcount ALTHORPE,
Lord Viſcount MIDDLETON,
Sir GEORGE YONGE, Bart.
And GEORGE ONSLOW, Eſq;

The Select Committee of the HOUSE of COMMONS, who tried and determined the Merits of the Petition, againſt the laſt Return for the Borough of *Cricklade*.

GENTLEMEN, *Pall-Mall, April* 8, 1782.

ENGAGED as I have been, for the laſt Year and a Half, almoſt without Intermiſſion, in the Proſecution of a great public Queſtion, I ſhould have bluſhed for myſelf, if the inveterate Malignity of my Opponents, could have intimidated me in the leaſt, or relaxed my Activity in any Reſpect whatſoever.

An unjuſt Charge, ſupported alone by Perjury, produced at the Summer Aſſizes, Verdicts againſt me, which having been followed up by Judgments, deprived me of my Seat in Parliament. I feel myſelf however peculiarly happy at this Moment, that a late Deciſion at *Saliſbury*, having proved the Injuſtice of thoſe Verdicts and of thoſe Judgments, has removed that Preſumption

tion of Guilt, by which it was intended to have borne me down. Under theſe Circumſtances, a ſhort State of the Part I have taken, of the Conduct of my Opponents, and of the legal Proceedings, in which I have been engaged, I am ſure will not be conſidered by you, Gentlemen, as impertinent.

After an Abſence of ſome Years, on the 31ſt of *Auguſt* 1780, I returned to *England*, and two Days afterwards his Majeſty's Proclamation was publiſhed, for diſſolving the laſt Parliament.

I had been a Candidate at a former Election at *Cricklade*, and had, at no trifling Expence, when I could not have been perſonally benefited myſelf, carried a Petition from the Electors, againſt the Return that was then made, to a Committee of the Houſe of Commons. That Committee, beſides determining the Merits of the Election, came to ſeveral Reſolutions relative to the Right of voting in that Place, to aſcertain which Right, was the principal Object of the Part I then took.

As I knew that from this Circumſtance, I had many ſteady, determined Friends in that Borough, I inſtantly reſolved, again to make them a Tender of my Services in Parliament.

At this Time I was entirely ignorant who were to be my Competitors, and I left *London* in the full Confidence of that Succeſs, which nothing, but the Bribery and Corruption that was practiſed, could have baffled.

When I arrived at *Cricklade*, I received my firſt Information of the Politics of the Place. Many Candidates had canvaſſed the Borough; one had formally reſigned the Conteſt the Night before; another quitted the Town the Morning after; and the ſucceeding Day, when I went through my Canvaſs, the only public avowed Candi-

Candidates were, Mr. *Paul Benfield*, Mr. *John M^c Pherſon*, and myſelf.

My Canvaſs more than anſwered my moſt ſanguine Expectations, and I looked forward to the Day of Election, in the full Confidence of then obtaining, the Object of my Purſuit.

This Appearance, ſo flattering to me, gave Riſe to a Conduct on the Part of my Opponents, which firſt brought to my Knowledge thoſe corrupt Tranſactions, which have ſince been ſo thoroughly inveſtigated at two Aſſizes at *Saliſbury*, before you, Gentlemen, on the Trial of my Petition, and repeatedly upon different Motions, in the Court of *King's Bench* in *Weſtminſter-Hall*.

John Briſtow, the Agent of Lord *Portcheſter*, had been, for many Months preceding this Period, diſtributing to the Electors of the Borough, five Guineas each, in his Lordſhip's Name. With the Idea of warding off the Imputation of Bribery, and at the ſame Time effectually to ſecure by this Act, the future Suffrages of the Voters, it was contrived to make each Elector give, for the five Guineas which he had received, his promiſſory Note, payable to Lord *Portcheſter*.

The Succeſs of my Canvaſs alarming my Opponents, the Voters were given to underſtand, that thoſe of them who gave their Suffrages to me, at the enſuing Election, would be immediately proſecuted, for the Payment of their promiſſory Notes.

Theſe Threats immediately ſpread a general Intimidation through the Borough, and many Applications were made to me, from different Voters, to indemnify them, from the Conſequences of ſuch Proſecutions. Upon all of theſe Applications, I held the ſame uniform Language, that I was confident the Voters had nothing to

fear

fear from the threatening Parties; but be it as it might, that I could take no Part whatever, in any Thing relative to that Tranſaction.

The Evening before the Election, ſeveral Voters came to me, accompanied by a Man, who had been almoſt conſtantly with me, the whole Time I had been in the Borough, and who had not left me above an Hour before. They came to me with a Propoſal, which, they ſaid, would infallibly ſecure my Election the next Day, as it would make every Voter in the Place, perfectly eaſy about the promiſſory Notes, which they had given to Lord *Portcheſter*. The Propoſal was, to give them ten Guineas each down, with a Promiſe of ten more after my Return. I immediately expreſſed myſelf to them, in the moſt clear and explicit Manner. I told them, that I ſhould neither give any Thing, nor promiſe any Thing; that I offered my Services upon very different Grounds; that I was no Stranger, appearing for the firſt Time then among them; that if my former Conduct, in Support of the Petition, by which their Right of voting had been eſtabliſhed, gave me any Claim to their Suffrages, and I ſhould ſucceed at the preſent Election, that I ſhould honeſtly diſcharge the Duty of their Repreſentative, to the beſt of my Abilities; that if their Fears about the promiſſory Notes, ſhould operate ſo powerfully upon their Minds, as to deprive me of their Votes upon the preſent Occaſion, that I ſhould have to lament, the Trouble I was giving them, as well as myſelf; for it was an Affair, in which it was impoſſible for me to interfere.

Theſe Men, as ſoon as they left me, induſtriouſly circulated through the Town, that nothing was to be expected from me, for that I would

neither

neither give any Thing, nor promiſe any Thing. —They all voted againſt me the next Day, and were the principal Witneſſes, by whoſe perjured Evidence, the three Virdicts were obtained againſt me, at the laſt Summer Aſſizes.

The operative Power of the promiſſory Notes, deſtroyed my Election in Point of Numbers upon the Poll; but I left *Cricklade* fully perſuaded, that the Merits of the Election were with me, and that I ſhould be able to eſtabliſh my Seat upon a Petition.

Upon my Return to *London*, I drew up an accurate State of every Thing that had paſſed, and by the Advice and Recommendation of the reſpectable Counſel whom I conſulted, I preſented a Petition to the Houſe of Commons againſt the Return of Mr. *Benfield* and Mr. *M'Pherſon*; after which I began my legal Operations.

On the 23d of *January*, 1781, being the firſt Day of *Hilary* Term, I filed Bills in the *King's Bench* Office, againſt Lord *Portcheſter*, Mr. *Benfield*, and Mr. *M'Pherſon*, for Bribery and Corruption practiſed by them at the ſaid Election.

I likewiſe ſued out a Writ againſt *John Briſtow*, the Agent of Lord *Portcheſter*, and in the Courſe of the ſame Term, my Declaration in that Action was delivered to his Solicitor.

My Action againſt *Briſtow* nothing could retard, for he had no Privilege of Parliament, to ſcreen him from the Proceedings of Law. Accordingly Iſſue was joined, and on the 13th of *March* following, the Cauſe was brought to Trial, at the Aſſizes at *Saliſbury*, before Mr. Baron *Perryn*, when a Verdict of 5000*l.* was given againſt him.

Lord *Portcheſter*, Mr. *Benfield*, and Mr. *M'Pherſon*, entering no Appearance to the Actions, which

I had brought againſt them, firſt Diſtringaſes, then alias Diſtringaſes, and afterwards pluries Diſtringaſes, were ordered by the Court of *King's Bench*, and the Levies were accordingly made, upon their ſeparate Properties.

Still no Appearance being entered, by either Mr. *Benfield* or Mr. *M'Pherſon*, the Court of *King's Bench* increaſed the Iſſues to 500 *l.* againſt each of them. The Sheriff's Return to the Writs was, *nulla bona*; he could find no Property on which to levy; and no Property belonging to either of them has been found, from that Time to this.

Lord *Portcheſter* however, did not think it wiſe, to allow the Iſſues to be increaſed againſt him. In the Beginning of the Month of *May*, his Lordſhip entered an Appearance to my Action, and having his Lordſhip then in Court, I filed another Bill againſt him, before the Expiration of that Month, for the Purpoſe of bringing both Actions to Trial, at the Summer Aſſizes.

The Beginning of the Month of *February*, 1781, about a Fortnight after my Bills were filed againſt Lord *Portcheſter*, Mr. *Benfield*, and Mr *M'Pherſon*, I was ſerved with three Writs, one at the Suit of each of thoſe Gentlemen. The Language of theſe Proceedings was to me perfectly intelligible; and, as I was ſure, neither of them could have any Ground of Charge againſt me, their Writs gave me no Kind of Concern. What my Charges were againſt them, they were particularly informed of, at the Commencement of my Actions, by the Bills which I had filed. What their Charges were to be againſt me, remained a Secret for three Terms. Their Writs were ſerved upon me in *Hilary* Term, and it was not till the latter End of *Trinity* Term, (the 11th of *June*) that their Declarations were delivered. Repeated

Appli-

Applications were made, for longer Time to deliver them, and they were not delivered till the Moment came, that no longer Time could be given.

Mr. *Benfield* and Mr. *M'Pherſon* having both quitted the Kingdom; neither of them having entered an Appearance to my Actions againſt them; and no Property belonging to either being to be found, on which the increaſed Iſſues, ordered by the Court of *King's Bench*, could be levied; a Motion was made in that Court, to reſtrain them from proceeding in their Actions againſt me, till they had entered an Appearance to my Actions againſt them. This Motion was made, not from any Fears which I had, of the Conſequences of thoſe Actions, but for the ſole Purpoſe of avoiding the heavy Expences, which their Defence alone rendered unavoidable. My Counſel urged every Argument, with which the Circumſtances of the Caſe abounded, and dwelt, with peculiar Energy, on the Manner, in which Mr. *Benfield* and Mr. *M'Pherſon* had abuſed their Privilege of Parliament. Upon that Subject Lord *Mansfield* ſaid, the Court had nothing to do, that Queſtions of Privilege were to be diſcuſſed above Stairs. He called for a Precedent, and no Precedent having been ſtated, his Lordſhip ſaid, he would not make a Precedent, and immediately diſcharged the Rule.

At the laſt Summer Aſſizes at *Saliſbury*, on the 31ſt of *July*, came on before Mr. Juſtice *Buller*, the Trial of my two Actions againſt Lord *Portcheſter*, when Verdicts in both were given againſt his Lordſhip, the one for 5000 *l.* and the other for 2000 *l.* If Mr. Juſtice *Buller* had not reſtrained my Counſel, from going on with the Examination of Witneſſes, to the full Extent of the Proof that we were poſſeſſed of; by often pettiſhly enquiring, if the Evidence was not yet cloſed,

and by branding the Manner in which the Cauſe was conducted, as a *Jewiſh* Attempt, to prove all, that we were capable of proving; and if Mr. Juſtice *Buller*, in his Charge to one of the Juries, had not told them, that they were not bound by their Oaths, to find their Verdict according to the ſtrict Letter of the Evidence, but in their Verdict, to exerciſe Diſcretion, mixing Mercy with Judgment; the Verdicts againſt Lord *Portcheſter*, with Reſpect to the Penalties, would have been very different from what they were.

The next Day, and the Day following, came on before the ſame Judge, the Trials of the three Actions againſt me, at the Suits of Mr. *Benfield*, Mr. *M'Pherſon*, and Lord *Portcheſter* *. Verdicts were given againſt me in all the three: In the

* Mr. *Benfield*'s Action was for corrupting two Voters, and the Verdict given was for 1000*l.* the full Extent of the Claim contended for.—Mr. *M'Pherſon*'s Action was for corrupting eleven Voters, every one of whom polled for me at the laſt Election; but Mr. *M'Pherſon*'s Counſel moſt judiciouſly, at the Opening of the Cauſe, abandoned every Count in the Declaration, except the Count which charged me with corrupting *John Truman*, the Man who had been, for many Weeks before, cloathed, fed, and taught, at Lord *Porcheſter*'s Seat at *Highclere*, in the Manner that is particularly ſtated Folio 11. On this Count, the Jury found a Verdict againſt me for 500*l.*—Lord *Porcheſter*'s Action was corrupting eleven Voters. Of theſe, *John Truman* was one, and as a Verdict had been given againſt me before, in Mr. *M'Pherſon*'s Action, for corrupting him, the Number was reduced to ten. Another Count was corrupting *Charles Rudler*; and the only Witneſs they had to examine as to him, had been before examined in Mr. *Benfield*'s Action, and was then found to be able to ſay nothing at all, to criminate any Body. This reduced the Number to nine. Of theſe nine, two gave no Kind of Evidence to ſupport any Charge. For the remaining Seven, the Verdict was given againſt me, 3500*l.* Mr. Juſtice *Buller*, in his Charges to theſe Juries, ſtated only the ſtrict Letter of the Evidence, and made no Obſervations about *Diſcretion and Mercy*, ſuch as he had before made to the Jury, who tried my Action againſt Lord *Portcheſter*,

firſt 1,000l. in the ſecond 500l. and in the laſt 3,500l. The firſt Witneſſes examined in Support of theſe Actions, were the Men who made Application to me for Money, the Evening before the Election. The Groſſneſs of their Perjury was ſhocking to Human Nature. The Verdicts were all given againſt me, for Promiſes ſaid to have been made to the Witneſſes, by two Friends of mine in the Borough, who were aſſerted to have been my Agents, though both ſwore, that they had no Authority from me, directly or indirectly, expreſſed or implied, in any Mode or Manner whatſoever, to give, or to promiſe, any Thing to any Voter. Only two Witneſſes were bold enough, to ſwear to any Promiſe having been made by me, and theſe Promiſes, they ſaid, I made to them upon my Canvas, when four Perſons, whom they mentioned, were preſent. Upon the Evidence of all thoſe four Perſons, Bills of Indictment were found againſt both of thoſe Men, by the Grand Jury at the *Michaelmas* Quarter Seſſions, for willful and corrupt Perjury. It has not been poſſible for me, to bring them yet to Trial, they having traverſed their Indictments at the laſt Aſſizes. The Evidence of theſe two Men was peculiarly important, ſo much ſo, that Mr. Juſtice *Buller* remarked to the Jury, that it was their Evidence alone, that brought the Charge home to me, by my having adopted in my Converſation with them, every Thing that my pretended Agents had promiſed.

In *Michaelmas* Term laſt, was argued in the Court of *King's Bench*, a Motion for a Rule to ſtay Proceedings upon theſe Verdicts, till the Indictments againſt theſe Witneſſes were tried. The Motion was reſted altogether upon this Ground, that the Evidence of theſe Men, having

having been the only Evidence that had brought the Charge home to me, if they ſhould be convicted of Perjury, upon the Trials of the Indictments, their Evidence muſt be taken, from the general Maſs of Evidence upon which the Verdicts were given, when, it was ſubmitted, there would not remain Evidence ſufficient, upon which the Verdicts could have been ſupported. The Court, however, diſcharged the Rule, and the next Day the Judgments were ſigned.

Nothing but the thorough Perſuaſion I had, that it would have been impoſſible to have produced any Evidence, in Support of ſuch groundleſs Charges, could have allowed me to have ſtood expoſed, as I then did and have ſince done, to the Chance of Verdicts being given againſt me. If I had been guilty, I had many Ways of protecting my Crimes from Puniſhment, by taking Shelter under the indemnifying Clauſe of the Act. I had not this Indemnity to hunt after, as others had, for it lay open to me at all Quarters. The Idea of availing myſelf of it, was often ſuggeſted to me, if it had been only for the Purpoſe of avoiding the Expence of Defences, to which I otherwiſe ſtood expoſed; but I could not bear the Thought, of furniſhing a fair Preſumption of my Guilt, by any ſuch diſgraceful Act, while I was burning with Indignation, at the Injuſtice of the Charge that had been brought againſt me.

Lord *Portcheſter*'s Conduct, moſt naturally, has been the very Reverſe of mine. The Verdict which I obtained againſt his Agent *John Briſtow*, in *March* laſt Year, had fully apprized his Lordſhip, what the Fate would be of my Actions againſt him, and his Lordſhip was immediately

indefatigable

indefatigable in ſearching after, what, to this Moment, he has not able to find.

His Lordſhip's firſt Attempt after the Indemnity of the Act, was by commencing an Action againſt one *John Truman*, a poor Cobler in *Cricklade*, who had voted for me at the laſt Election. It was given in Evidence on the Trials at *Saliſbury*, that Lord *Portcheſter*'s Country Attorney had been tampering with *Truman*, to ſwear Bribery againſt me; that *Truman*, had been offered a Reward ſo to do, and that *Truman* at that Time, had moſt ſolemnly declared, that he knew of no Bribery of any Kind, either againſt me, or againſt either of the Perſons, who were ſtated as having acted as my Agents. However, the next Day *Truman* diſappeared, his Wife and Family knew not where he was, they were in very neceſſitous Circumſtances, and muſt have ſtarved, having been deprived of his Support, if they had not been ſupplied from Day to Day, by ſome *private, generous* Benefactor. *Truman* had been abſent many Weeks, when by Accident he was diſcovered, well cloathed and well fed, at *Highclere*, the Seat of Lord *Portcheſter*. Though he might have been living there at his Lordſhip's Expence, his Lordſhip's Cloaths, Meat, and Drink were not to have been thrown away upon him, for at this very Time, his Lordſhip commenced an Action againſt him, for 1000*l.* but without the moſt diſtant Intention, of diſgracing the Hoſpitality of his own Roof. However, though his Lordſhip's Declaration againſt *Truman* was filed at the Office, and no Appearance has been entered, Judgment, to this Moment, has not been ſigned. This can ariſe alone, from the better Information upon the Subject, which his Lordſhip muſt have afterwards received.

Lord

Lord *Portcheſter*'s next Attempt at an Indemnity, was by directing *Alexander Gardiner*, Eſq; the Tutor to his Children, and who was then living, as well as *John Truman*, at his Lordſhip's Seat at *Highclere*, to commence an Action againſt one *Richard Skillin*, who had offered to poll at the laſt Election at *Cricklade*, but whoſe Vote had been rejected by the returning Officer. *Skillin*, by his Lordſhip's Directions, went to his Lordſhip's Solicitor Mr. *Richards*; and Mr. *Richards* ſerved him with a Writ, at the Suit of Mr. *Gardiner*. Both Lord *Portcheſter* and Mr. *Richards* told *Skillin*, that the Buſineſs would do him no Harm, to ſay nothing upon the Subject to any Body, to take no Steps of any Kind; and poor *Skillin* obediently following the Directions that were given him, had Judgment by Default ſigned againſt him. This Judgment was produced at *Saliſbury*, in Bar to my Actions againſt his Lordſhip. Mr. *Gardiner* was examined, who candidly acknowledged, that he was ignorant of the different Steps that were taken, that he left the Management of his Action entirely to Lord *Portcheſter* and Mr. *Richards*, and that he was ſurprized when he was informed, that he had Judgment for 1000*l.* as he underſtood, that the Action had only been for 500*l.* The Court, the Jury, and every Body preſent, were ſtruck with the Fraudulency of this Attempt, which was ſcouted with ſovereign Indignation and Contempt at every Quarter.

The laſt Attempt that Lord *Portcheſter* made for the Indemnity of the Act, is at preſent *ſub judice*. When his Lordſhip canvaſſed the Borough of *Cricklade*, a few Days before the laſt Election, with his Friend Mr. *M'Pherſon*, among the reſt of the Voters, he called upon *William Hinton*,

Hinton, a Man who was known to have been always violent, againſt his Lordſhip's Intereſt in that Place. *Hinton* ſmiled, and ſarcaſtically obſerved, that he wondered how his Lordſhip could aſk him for his Vote, when he had withheld from him that Favour, which he had given to the meaneſt Voter in the Borough. Lord *Portcheſter* having Reaſon to believe, that his two former Experiments for an Indemnity would avail him nothing, now directed his Solicitor, Mr. *Richards*, to commence an Action againſt *Hinton*, *for aſking his Lordſhip for that Bribe, which his Lordſhip, by his Agent* Briſtow, *had been diſtributing to almoſt every other Voter in the Place.* This Action came likewiſe to Trial, at the laſt Summer Aſſizes at *Saliſbury*. Lord *Portcheſter* and two other Witneſſes were examined, on the Part of the Plaintiff, who materially contradicted each other, as to the Converſation that had paſſed between his Lordſhip and *Hinton*; but Lord *Aſhburton*, (then Mr. *Dunning*) who was Counſel for *Hinton*, croſs-examined neither of them, obſerving to the Court and to the Jury, that it was perfectly indifferent to his Client how the Fact was, or whether any Converſation of the Kind had ever paſſed or not, *Hinton* being, in every Event, indemnified under the Act, in Conſequence of the Diſcoveries he had made to me; upon which Diſcoveries I had commenced Actions, and by his Evidence alone, had obtained Verdicts. In *Michaelmas* Term laſt, *Hinton* produced in the Court of *King's Bench*, the Judgments obtained by his Diſcoveries, and by his Evidence. Lord *Portcheſter*, notwithſtanding this, contended, that he was intitled to the Indemnity of the Act, tho' *Hinton*'s Diſcoveries to me were in *September* 1780, and his Lordſhip's Diſcovery to Mr. *Ri-*

chards was not till *May* 1781; and though my Actions were long prior to Mr. *Richards*'s Action, and my Verdicts were prior to his Verdict, The Queſtion upon this laſt *honourable* Attempt of his Lordſhip's, is ſtill depending in the Court of *King's Bench*.

As ſoon as the Aſſizes ended at *Saliſbury*, on the 2d of *Auguſt* laſt, I was ſerved with other Writs, at the Suits of Mr. *Benfield* and Mr. *M'Pherſon*; and I was hardly returned to *London*, when other two Writs were ſerved upon me, at the Suits of Lord *Portcheſter* and of his Lordſhip's Agent, *John Briſtow*. The Succeſs of Perjury at one Aſſize, was no bad Preſage of Succeſs at future Aſſizes: And while I was ſtanding expoſed to Charges, to be bounded only by the Number of the Inhabitants of the Borough of *Cricklade*, Mr. *Benfield* and Mr. *M'Pherſon* were ſecurely ſheltered from every Kind of Attack. However, neither Mr. *M'Pherſon*, Lord *Portcheſter*, nor *John Briſtow*, have as yet delivered Declarations in their Actions; ſo that at this Moment I am ignorant, to what Extent their Claims are intended to be, whether they are to be leſs, to be equal to, or to exceed the ſecond Demand, that has been made upon me by Mr. *Benfield*, who has not been equally dilatory in his Proceedings.

Mr. *Benfield's* ſecond Declaration againſt me was for 37,000*l*. The Action was brought to Trial at the laſt Aſſizes at *Saliſbury*, before Mr. Baron *Perryn*, where the Wickedneſs and the Malignity of the whole Proceeding, was evident to every Body. The honeſt Verdict of an honeſt and impartial Jury, has done Juſtice to my Innocence, and totally acquitted me of every Ground of Charge. My warmeſt Acknowledgments are due,

due, to my reſpectable Friend Mr. *Burke*, and to Mr. *Pitt*. To the former, for the able Defence he made; to the latter, for his powerful Aſſiſtance and Support. To both of them, for their great Attention and judicious Management of the Cauſe.

But, Gentlemen, whether I was pronounced guilty or not guilty, whether a Verdict was given for Mr. *Benfield*, or for me, or for any other Perſon, is of trifling Conſequence, compared to the great general Queſtions, involved in theſe Proceedings.

I ſtand juſtified in every Step that I have taken, in the fulleſt and ſtrongeſt Manner: Firſt, by the Opinion of you, Gentlemen, expreſſed by the Special Report, which you made to *the Houſe*; and afterwards, by the Opinion of *the Houſe* itſelf, expreſſed by their *Reſolve*, agreeing with the Committee in the Report that had been made. With this Support, with this Warrant to juſtify my Conduct, I fear the Threats of no Man, I will not be diſmayed by Attacks from any Quarter.

The Spirit that dictated the Bill, now depending in the *Houſe of Lords*, the whole World muſt applaud. I venture no Opinion upon the Bill itſelf, but if it ſhould paſs into a Law, and be found to do a partial Good, my Wiſh will be, that what will even then be only partial, ſhould become general. In every Event, you Gentlemen of the Committee will have my beſt Thanks.

But, Gentlemen, turning from the Bill to the Parties, to the great and dignified Parties, connected with theſe Proceedings, whoſe contumaceous Behaviour, whoſe Contempt of every Reſtraint of Law, has given Riſe to every Thing that has hitherto paſſed, and to every Thing that may hereafter paſs, upon this Buſineſs; Queſtions of real Magnitude

and Importance, Queſtions calculated alone for the Deliberation and Diſcuſſion of *Parliament*, naturally and unavoidably preſent themſelves.

It would be Preſumption in me, to ſay one Syllable more. I have diſcharged my Duty, in ſtating the leading Facts, as conciſely as poſſible. My Powers at preſent can extend no further.

I feel real Pity and Compaſſion for the poor, ignorant, infatuated, deluded *Voters*, who have been taught from their Cradles, who have been nurſed from their Infancy in the Belief, that what the Laws of their Country have affixed the ſeveral Penalties to, is no Crime at all. The daily Practice of their Superiors confirm them in this Opinion. Far more criminal is the *Candidate* who *gives*, than the Voter who *receives*, and yet the Puniſhment of the former bears no Proportion to that of the latter. The poor *Voter*, the poor, indigent, diſtreſſed *Receiver*, his Ignorance and his Poverty, furniſh the Appearance of an Apology for *taking*, and yet after Conviction, there is no Place left for Repentance. The Penalty which he is unable to pay, may indeed be releaſed, but the Diſability muſt continue, the Franchiſe which he before enjoyed, is gone for ever.

How far different is the Situation of the *Giver?* He is early taught the Magnitude of the Crime, that he is committing: He has no Ignorance of any Kind to plead. But with this Knowledge, Experience has alſo informed him, that in the Extent of his Crimes, he may find a Protection from Puniſhment.

With what Ideas of equal Juſtice, the Wiſdom of the Legiſlature has, after Conviction, deprived the poor *Elector*, who *receives*, of the Power of Voting at any future Election; and yet has, even after

after Conviction, continued to the rich *Candidate*, who *gives*, the Capacity of being afterwards choſen, is what I never could comprehend. If the Extream of Severity is neceſſary in the one Caſe, how can it be the leſs neceſſary in the other? Poſſibly in both Caſes, a Puniſhment leſs ſevere, would more effectually remedy the Evil.

From public Motives alone, I firſt engaged, and have hitherto perſevered, in the legal Proceedings, relative to the laſt *Cricklade* Election, which have trailed on, and are ſtill trailing on, to an Extent almoſt incredible. No illiberal, no mercenary Conſideration whatever, has influenced my Conduct, in any one Inſtance. If the Wages of Corruption had been my Object, that Object had been long ago attained; but I hope I have been impelled to the Part I have taken, by nobler Conſiderations. With the String of Evidence of which I was in Poſſeſſion, before I commenced my Actions againſt Lord *Portcheſter*, Mr. *Benfield*, Mr. *M'Pherſon*, and *Briſtow*, there was no Doubt in the Minds of thoſe, with whoſe legal Opinions I was honoured, but that very heavy Penalties muſt have been recovered. My Language at that Time, and from that Time to the preſent Moment, has been uniformly the ſame: —— That my Hopes were, that large Verdicts would be obtained againſt the three firſt Gentlemen, but that however conſiderable, or however trifling, the Sum recovered might be, that I never would derive any pecuniary Emolument from any Part of the different Actions and Proceedings, in which I was engaged. This Language expreſſed the Sentiments of my Heart, which have never varied, and my fixed Reſolution which has been always the ſame.

I am

I am too well acquainted with the Characters of you, Gentlemen, whoſe Parliamentary Conduct has alone for its Object the Benefit of the Public, to attempt any Apology for this Addreſs.

I have the Honour to be, with the greateſt Reſpect,

GENTLEMEN,

Your moſt obedient,

and moſt humble Servant,

SAMUEL PETRIE.